

EMPLOYMENT LAW SUMMARY

New Hampshire Employee Leave Laws - Overview



Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, New Hampshire employers must comply with state employment laws requiring employee leave for specific purposes. (Employers must also follow federal employee leave laws not discussed here, such as the Family and Medical Leave Act.)

New Hampshire has state laws that require:

- Jury duty leave;
- Rescue member leave during a state of emergency;
- Crime victim leave; and
- Pregnancy disability leave.

This Employment Law Summary provides a high-level overview of New Hampshire's employee leave laws.

Overview of New Hampshire Employee Leave Laws

Jury Duty Leave

An employer may not terminate, threaten or coerce an employee regarding his or her employment because the employee receives and responds to a summons, serves as a juror or attends court for prospective jury service.

Leave Authorized in a State of Emergency

An employer must allow an employee who is a member of a fire department, rescue squad or emergency medical services agency to take **unpaid leave** if called to service during a declared state of emergency.

Employees may choose to use vacation or other accrued leave for the period of emergency service, but employers may not require employees to do so.

Crime Victim Employment Leave

An employer with **25 or more employees** must allow an employee who is a victim of a crime to take **unpaid leave** so that the employee may attend court or other proceedings associated with the crime.

An employee may choose to use accrued vacation, personal or sick leave time, or the employer may require the employee to do so. Employees are subject to notice and documentation requirements. An employer may only limit leave to the extent that an employee's absence creates an undue hardship on the employer.

Employers may not retaliate or discriminate against employees who exercise their right to take leave.

Pregnancy Disability Leave

Employers with six or more employees are subject to New Hampshire's "Law Against Discrimination," which requires a covered employer to provide a female employee with leave from work due to physical disability resulting from pregnancy, childbirth or related medical conditions for the duration of such disability. When the employee is ready to return to work, she must be restored to her original position (or a comparable position).

Pregnancy, childbirth and related medical conditions must be considered temporary disabilities for all employment-related purposes (including receipt of fringe benefits), and employees must be treated the same as any employee affected by any other temporary disability.

Employers with 50 or more employees are also subject to the federal Family and Medical Leave Act (FMLA), which provides eligible employees with up to 12 weeks of unpaid leave due to childbirth.

SPECIAL NOTE: New Hampshire has enacted a **completely voluntary [family leave insurance program](#)** to provide partial wage replacement for employee leaves of up to six or 12 weeks, depending on the plan, for specified family and medical reasons. The program is voluntary for private employers, and employers with more than 50 employees who sponsor coverage contract directly with the insurance carrier chosen by the state. Workers whose employers do not offer coverage may opt into the plan. Private employers may voluntarily fund part or all of the cost of coverage with a tax credit for 50% of premiums paid. Insurance under the plan became available for employers to purchase on Dec. 1, 2022, and for individual employees to purchase Jan. 1, 2023.

SPECIAL NOTE: The information in this chart concerns statewide laws. Cities, towns and counties across the country have also passed employee leave laws, and employers must generally comply with both the local ordinance and statewide law where they apply.

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