

Publications

New Hampshire Expands Unpaid Leave Rights for Employees

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Starting January 1, 2026, a new law in New Hampshire will notably broaden the unpaid leave rights for employees, allowing them to attend medical appointments related to childbirth, postpartum care and infant pediatric needs. The law applies to employers with 20 or more employees in the state, imposing new compliance requirements that must be incorporated into existing leave policies.

Leave Entitlement

The new leave law amends the New Hampshire Department of Labor's Protective Legislation. It allows eligible employees up to 25 hours of unpaid leave in the first year after a child's birth or adoption for their own childbirth-related medical appointments, postpartum care or the child's pediatric appointments. If both parents work for the same employer, they share a combined total of 25 hours of leave.

The law covers both full-time and part-time workers.

What Must Employees Do?

Employees seeking this leave must give reasonable advance notice and try to schedule their appointments to minimize workplace disruption. Employers can ask for documentation to confirm the leave's appropriate use, though the law does not specify the type of documentation required. A brief note from a healthcare provider's office would likely be sufficient.

Is This Paid or Unpaid Leave?

The leave is unpaid and employers are not obligated to offer paid leave. However, employees may substitute any accrued vacation time or other paid leave for the unpaid leave at the employee's discretion. The law does not address whether employers can mandate the use of available paid leave during this period.

For salaried employees, employers must pay such employees their full salary for any week in which they perform any work, with limited exceptions that are unlikely to apply to this leave. Therefore, employers typically cannot deduct from salaried employees' pay for time missed under this leave unless specifically permitted by statute.

Do Employees Have Reinstatement Rights?

Upon returning from this leave, employers are required to reinstate the employee to their "original" position.

Other Rights for Working Parents in New Hampshire

- **Lactation Break Law**
 - Guarantees nursing mothers an unpaid break of 30 minutes to pump for every three hours of work.
- **Maternity Leave Law**
 - Applies to employers with six or more employees.
 - Allows leave for temporary physical disability due to pregnancy, childbirth or related medical conditions.
 - No set time limit; leave duration is determined by the healthcare provider.
 - Employees are entitled to return to their original job or a comparable position unless business necessity prevents it.
- **Voluntary Paid Family and Medical Leave**
 - Employers may offer paid family and medical leave but they are not required to do so.

Conclusion

New Hampshire employers should review and revise their leave policies to comply with this new leave entitlement.