

New Hampshire Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

New Hampshire Leave Laws	1
Paid Time Off (PTO) in New Hampshire	2
Vacation Leave Quota	2
Accrual	2
Roll Over (Carry Over, Brought Forward)	2
Statutory Provisions Addressing Vacation Pay	3
Payment of Accrued, Unused Vacation on Termination	3
Sick Leave in New Hampshire	4
Federal Laws – Leave Quota	4
New Hampshire State Laws	5
Maternity, Paternity, FMLA in New Hampshire	6
Federal Law	6
Additional State Laws in New Hampshire	6
Pregnancy Disability Leave	6
New Hampshire Paid Family and Medical Leave (NH PFML)	7
Bereavement Leave in New Hampshire	7
Jury Duty Leave in New Hampshire	8
Payout	8
Crime Victim Leave in New Hampshire	9
Military Leave in New Hampshire	9
Federal law	9
New Hampshire State Law	10
Voting Leave in New Hampshire	10
New Hampshire State Holidays in 2025	11
A complete list of holidays celebrated in New Hampshire in 2025:	11
2026	12

Paid Time Off (PTO) in New Hampshire

Vacation Leave Quota

New Hampshire law doesn't demand paid or unpaid vacation.

In New Hampshire, there are no federal or state laws that mandate employers to give their workers paid or unpaid vacation time. This means that companies have the freedom to establish their own vacation policies, whether it be paid time off, vacation days, sick leave, or paid holidays.

While many employers do offer these types of benefits, it is ultimately up to the employer's discretion. If an employer decides to give vacation leave, they must abide by any relevant state laws, company policies, or agreements outlined in an employment contract.

Accrual

The PTO accrual system is not mandatory in New Hampshire, but it is widely used by companies.

The accrual system is based on the pay period. The most common pay period in New Hampshire is weekly.

Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is permitted by state law.

A “use-it-or-lose-it” employee vacation policy requires an employee to lose any unused vacation time after a specific date, such as the end of the year. This policy in New Hampshire is permitted by state law, which means that employers may implement it.

An employer may also have a policy that caps (limits) an employee’s ability to earn vacation time to a certain number of hours.

Statutory Provisions Addressing Vacation Pay

Vacation time that has been earned is considered wages when the organization has an established policy or practice of paying employees for that time.

If an employer provides vacation pay or other additional benefits to their employees, they will be considered part of the employee’s wages when they are due to be paid.

Employers that provide vacation pay and other additional benefits to employees are required to inform them in writing through one of the following methods: a notice displayed in the workplace or as part of the employee handbook.

Payment of Accrued, Unused Vacation on Termination

Employers must only follow their policies.

Whether earned but unused vacation time is paid upon separation from employment is determined by the employer’s policy or the employee’s contract.

New Hampshire’s Legislature and its courts are silent regarding whether an employer may set up a rule or agreement that prevents employees from receiving payment for accumulated vacation time upon leaving their job. This means that an employer may implement their own policy regarding this issue.

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However, when a policy is not clear about whether an employee must be paid for unused vacation time upon separation, typically the employer is required to pay the employee for this time.

Payout

In the event that there is an obligation to pay out accumulated but unused vacation time at the termination of employment, the employer must pay.

A screenshot of the Vacation Tracker web application interface. The background is a solid purple. On the left, white text reads 'Manage All Employee Time Off In Minutes, Not Days'. Below this are four bullet points with checkmarks: 'Slack, Teams, and Calendar integrations', 'Custom leave rules, accruals, and public holidays', 'Compliant with Leave Laws in every location', and 'Rollout in 15 minutes, with live setup call'. A white button with a right-pointing arrow says 'Start your free trial'. On the right, there are three overlapping white cards. The top card shows a user profile for 'Maren Schleifer' with a note 'Has submitted a leave request that requires your attention.' and a calendar icon. The middle card is titled 'Pending requests' and lists three requests: 'Work from home' (2 days, Jan 24th to Jan 26th, 2025), 'Vacation' (4 days, Jan 28th to Jan 30th, 2025), and 'Sick day' (1 day, Jan 24th, 2025). Each request has 'Deny' and 'Approve' buttons. The bottom card is titled 'Approvers' and shows a hierarchy with 'First level' and 'Second level' approvers, each with a group of user avatars and a '+9' indicator. Logos for Slack, Teams, and Google are visible in the top right corner of the interface.

Sick Leave in New Hampshire

Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

The standard federal Family and Medical Leave Act (FMLA) applies to New Hampshire (as it is in all the states in the U.S.A). The leave is job-protected.

Employees qualify for FMLA benefits only if:

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- they have been employed for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- they work in a location where at least 50 people are employed by the company (in a 75-mile radius)

The FMLA entitles qualified employees to take up to 12 weeks off for:

- personal medical reasons – illness or injury
- to care for a close family member (child, spouse, or parent) suffering from a severe illness
- maternity or paternity leave.

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

Check out our article on [FMLA](#) to learn more.

New Hampshire State Laws

There are no additional state sick leave laws.

Some states mandate businesses to provide employees with a specific number of paid sick days, but neither federal law nor New Hampshire labor rules oblige employers to provide paid or unpaid leave. Still, eligible employers in New Hampshire must comply with the FMLA.

Nonetheless, it is necessary to remember that if an employer chooses to provide sick leave benefits, it must comply with the employment contract or employee handbook. This way, an employer may create a legal obligation to grant it.

Payout

For more information, please visit vacationtracker.io

Sick leave in New Hampshire is unpaid.

Maternity, Paternity, FMLA in New Hampshire

Federal Law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that allows eligible workers to take up to 12 weeks of unpaid, job-protected leave per year for family or medical reasons, including maternity or paternity leave. Unless otherwise authorized by the employer, an employee must take this leave continuously. More information about FMLA eligibility can be found above, under the section *Sick Leave in New Hampshire: Federal Laws – Leave Quota*.

The Pregnancy Discrimination Act (PDA) is one more federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

Additional State Laws in New Hampshire

Pregnancy Disability Leave

Companies that employ 6 or more people are governed by New Hampshire's "Law Against Discrimination," which dictates that a covered employer must grant a female employee time off from work due to a physical disability caused by pregnancy, childbirth or related medical issues

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

An employer must provide the same paid leave for pregnancy as they do for other illnesses, and if the employer continues to pay other temporarily disabled employees, they must pay pregnant women as well.

Employees must be reinstated to their previous or comparable position.

New Hampshire Paid Family and Medical Leave (NH PFML)

The New Hampshire Granite State Paid Family Leave Plan (NH PFML) began on January 1, 2023.

A family leave insurance program offers partial wage replacement for employees who take a leave of absence for up to six weeks for certain family and medical reasons. Participation in the program is optional for private employers. Companies with more than 50 employees that choose to participate in the program will directly contract with the insurance carrier chosen by the state. Workers whose employers do not provide coverage have the option to enroll in the plan. Private employers have the option of paying for part or all of the coverage cost, and may receive a tax credit of 50% for the premiums paid.

Bereavement Leave in New Hampshire

An employer is not required to provide bereavement leave.

An employer is not legally required to provide any paid or unpaid bereavement leave, or any time off to attend an immediate family member's funeral. However, most employers do provide

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at least 2 days, so employers who decide to provide bereavement leave must follow the bereavement policy or practice they have in place.

Payout

Bereavement leave in New Hampshire is unpaid.

Jury Duty Leave in New Hampshire

Employers must provide employees unpaid time off for jury duty.

Employers are required to provide employees with unpaid, job-protected leave to report to jury selection or jury duty. Notice requirements do apply, so employees may have to show their employer their jury summons (within a reasonable period of time after receiving it) to be given the necessary leave.

An employer is not allowed to force its employees to use any other type of leave (vacation time, sick leave, etc.) to cover leave taken for jury duty.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

Payout

The court pays:

Employees who serve as jurors in New Hampshire are paid \$10.00 a day (though juror pay is only a token amount).

The employer pays:

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Employers in New Hampshire are not required to pay employees for jury duty leave.

Crime Victim Leave in New Hampshire

Leave without pay.

A company that employs 25 or more people must grant an employee who is a victim of a crime (or their immediate family member) the right to take unpaid time off in order to attend court or other proceedings related to the crime.

The employee can opt to use their accumulated vacation, personal, or sick leave, or the employer can mandate that they do so. The employee is required to give notice and provide documentation. The employer can only restrict the leave if it causes significant difficulty for the company. Employers are prohibited from taking negative action or discriminating against employees who exercise their right to take leave.

Payout

Crime victim leave in New Hampshire is unpaid.

Military Leave in New Hampshire

All employers in the U.S. must comply with USERRA. No additional state laws.

Federal law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law that applies to employers of all sizes and types in the U.S. USERRA protects employees called

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to active duty in the U.S. military, including the U.S. Armed Forces, Reserves, and National Guard. USERRA provides reinstatement rights, protection from discrimination, the right to continue group health care benefits for up to 24 months during their leave, and up to 5 years of unpaid leave for military service (with exceptions to this 5-year limit).

New Hampshire State Law

Employees who are members of the New Hampshire National Guard or militia, and are called to active duty by the governor, are entitled to the same leave and reinstatement rights and benefits as outlined in USERRA. An employer is prohibited from treating employees differently due to their association or service with the state National Guard or militia. Additionally, an employer is not allowed to discourage employees from enlisting by threatening their employment.

Payout

Military leave is unpaid.

Voting Leave in New Hampshire

Not required by state law.

According to New Hampshire law, employers are not mandated to give their employees time off to vote on Election Day. If an employer allows time for voting, they have the discretion to decide whether or not to pay for that time.

Most states in the U.S. provide time off for voting, but New Hampshire is not one of them.

Payout

Voting leave is unpaid.

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New Hampshire State Holidays in 2025

New Hampshire law doesn't require private employers to provide employees with paid or unpaid holiday leave.

Private employers in New Hampshire don't have to provide paid or unpaid leave for holidays, like almost all states in the U.S.A. Private employers can require all employees to work on holidays. However, the majority of employers in New Hampshire do provide at least several paid holidays.

New Hampshire officially observes 10 state holidays.

A complete list of holidays celebrated in New Hampshire in 2025:

Holiday	Observed in 2025	General Date
New Year's Day 2025	Wednesday, January 1	January 1
Martin Luther King, Jr.	Monday, January 20	3rd Monday in January
President's Day	Monday, February 17	3rd Monday in February
Memorial Day	Monday, May 26	Last Monday in May
Independence Day	Friday, July 4	July 4

Labor Day	Monday, September 1	1st Monday in September
Veterans Day	Tuesday, November 11	November 11
Thanksgiving Day	Thursday, November 27	4th Thursday of November
Thanksgiving Friday	Friday, November 28	Day after Thanksgiving
Christmas Day	Thursday, Dec. 25	December 25

Public holidays landing on Saturday are celebrated on Friday, while those on Sunday are observed on Monday.

2026

Holiday	Observed in 2026	General Date
New Year's Day 2026	Thu, Jan 1, 2026	January 1
Martin Luther King, Jr.	Monday, January 19	3rd Monday in January