

Template Parental Leave  
Policy<sup>1</sup>

**Paid and Unpaid Disability Leave For Pregnancy and/or Childbirth**

**Unpaid Pregnancy/Childbirth-Related Disability Leave:**

In accordance with New Hampshire RSA 354-A, employers with six (6) or more employees shall permit a female employee to take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. When the employee is physically able to return to work, her original job or a comparable position shall be made available to her by the employer unless business necessity makes this impossible or unreasonable. Employees will be required to provide medical certification documenting the need for any disability-related leave.

*ADDITIONAL PROVISIONS THAT FIRMS MAY CONSIDER*

- Healthcare benefits, if any, will continue during this leave, but arrangements must be made as to payment of the employee's share of premiums during the leave.
- Paid Time Off does not accrue during period of the leave.

*[POSSIBLE OPTIONS FOR EMPLOYERS WHO WISH TO SUBSTITUTE PAID LEAVE:]*

**Paid Pregnancy/Childbirth-Related Disability Leave**

Some or all of an employee's period of disability leave for pregnancy, childbirth, or related conditions may be compensated, as follows.

*Option A (for firms without an STD policy):* For [full-time][all] employees [who have been employed by the firm for at least [NUMBER] months,] the firm will substitute paid leave for up to [INSERT] weeks of their disability leave for pregnancy, childbirth, or related conditions, payable at % of the employee's base weekly rate. [Full-time] employees who are temporarily disabled following the birth of a child generally receive pay for a total of between \_\_\_\_\_ and \_\_\_\_\_ weeks

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<sup>1</sup> The New Hampshire Bar is pleased to provide this template policy for use as a possible framework for member firms in New Hampshire. However, users of this template should understand that this form has been created without any context of the member firm's size, culture, policies, practices, or plans. This template provides general information, is not legal advice, and must be adapted to each firm's particular needs and circumstances.

Any user of this template must comply with all laws, statutes and applicable court rules, including but not limited to NH RSA 354-A and Department of Labor guidance. While every effort has been made to ensure that the information contained in the template is accurate and consistent with New Hampshire Laws, if there is any conflict between New Hampshire statutes, rules, or case law, the applicable legal authority shall control.

(depending on the nature of the birth and any complications), but the maximum available amount of pay will be impacted by any pre-childbirth leave taken, such that the maximum amount of paid disability leave for pregnancy, childbirth and related conditions will be \_\_\_ weeks of leave.

*Option B (for firms with a STD policy that covers disability due to pregnancy, childbirth, and related conditions):*

The firm's short-term disability policy/plan generally provides pay replacement benefits [for full-time employees] during period(s) of disability leave due to pregnancy, childbirth, or related conditions. The amount and duration of and eligibility for any short-term disability benefits for any of these reasons, pre- or post-childbirth, will be in accordance with the terms of the firm's short-term disability policy/plan. In general, benefits are available for up to a maximum of [AMOUNT] weeks per year, payable at % of the employee's base weekly rate. The duration of benefits post-childbirth may depend on the nature of the birth and any complications. For more information about the firm's short term disability policy/plan, please contact\_\_\_.

*ADDITIONAL ISSUES THAT MAY BE CONSIDERED:*

- *See bracketed language in text: does policy cover all employees, or just full-time employees?*
- *Are employees allowed to supplement payments with accrued paid time off?*
- *Include provision that employees who are ineligible may use accrued PTO during the period of leave?*
- *Include provision that PTO does not accrue during period of the leave?*

## **Paid Parental Leave**

The firm provides [INSERT] weeks of paid parental leave [to all employees] following the birth, adoption (excluding the adoption of stepchildren), or foster care placement with the employee of a child, for the purpose of caring for and bonding with the child. Parental leave may be taken at any time during the twelve (12) months following childbirth, adoption, or foster care placement.

*[ADDITIONAL ISSUES THE FIRM MAY WISH TO CONSIDER:*

- *See bracketed language in text: Is paid parental leave available to all employees or just full-time employees? Is it limited to employees who have completed three months of employment, for example?*
- *Is paid leave prorated for part-time employees?*
- *Is paid parental leave available on an intermittent basis? May ineligible employees use PTO (e.g., if they haven't been employed long enough)?*
- *With regard to adoption or foster care placement, is there a maximum age of child for which paid leave is available? For example, up to 18 years old, or 23 years old if the child is disabled?*
- *Include provision that PTO does not accrue during period of the leave?*

For employees who have given birth to the child in question, the paid parental leave will begin at the conclusion of any period of paid or unpaid childbirth-related disability leave. [NOTE: employers may choose to have the parental leave run concurrently with the paid childbirth-related disability leave].

Employees are not required to provide medical certification of the need for paid parental leave, but may be asked to provide documentation confirming a familial relationship, or an adoption or foster

care placement.

**[For FMLA-covered employers]**

**Intersection with FMLA Leave**

Any period of disability or parental leave taken above will run concurrently with any available FMLA leave, where applicable.

\*\*This template was created as of June 14, 2021 in accordance with the current State of New Hampshire and federal employment laws.