

SURVIVOR STATE EMPLOYMENT GUIDE

NEW HAMPSHIRE

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

In New Hampshire, ([NH Rev. Stat. § 275.71](#)) it is unlawful for an employer to refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, harassment, sexual assault or stalking. Employers are also prohibited from firing, threatening to fire, demoting, suspending, or in any manner discriminating or retaliating against an individual with regard to promotion, compensation or other terms, conditions, or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault, or stalking.

Additionally, an employer cannot discharge, threaten, or otherwise discriminate against any employee regarding such employee's compensation, terms, conditions, location, or privileges of employment because the employee has exercised their right to take leave to attend proceedings related to the prosecution of a crime to which they are a victim. [NH Rev. Stat. § 275:64](#)

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, New Hampshire had not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

In New Hampshire there are a couple of ways an employee may be able to take time off of work as a victim of domestic violence, sexual assault or stalking:

- **Paid Sick Leave:** In New Hampshire, employers are not required to provide paid or unpaid sick days.
- **Time Off for Crime Victims:** In New Hampshire, ([NH Rev. Stat. § 275:62](#)) an employer with 25 or more employees¹ must permit an employee who is a victim of a crime to leave work so that the employee can attend court or other legal or administrative proceedings related to the prosecution of the crime. The time off may be unpaid or paid (which can be drawn from the employee's accrued vacation, personal, or sick leave). An employer cannot terminate an employee who takes this leave, and an employee cannot lose

seniority during the time they take leave by exercising this right. An employer cannot threaten or discriminate against an employee in the terms, conditions, location and privileges of their employment for exercising their right to take this leave. (**NH Rev. Stat. § 275:64**). However, an employee can limit the amount of leave if it creates an undue hardship to the employer's business (**NH Rev. Stat. § 275:63**). An employee must provide their employer with a copy of the notice of each scheduled hearing, conference or meeting and such documentation must be kept confidentially by the employer.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In New Hampshire, (**NH Rev. Stat. § 282-A:32(I)(a)(3)**), an individual remains eligible for unemployment benefits when they reasonable believe that separation from their employment is necessary to protect themselves or their immediate family member from domestic abuse as that is defined in **NH Rev. Stat. § 173-B:1**.

- *Do I have to show proof of domestic violence?* Under New Hampshire law, the Department of Employment Security must verify the existence of domestic violence through reasonable documentation, which must be kept confidential.

¹ 25 or more employees for each working day in each of 20 or more weeks during any calendar year.