



NH Paid Family and Medical Leave (PFML) - Factsheet

In addition to the information included on this state's page on the Compliance Center, we've provided this factsheet, as this program is somewhat unique.

The New Hampshire Paid Family and Medical Leave program (NH PFML) program, formerly referred to as the Granite State Paid Family Leave Plan, is administered by a third-party insurance company, MetLife. Employers of any size may voluntarily opt into the PFML program, to provide benefits to their workers. If they do, they will be required to provide employees with 6 weeks of paid family leave benefits. This law is an insurance law and does not have job protection or group health insurance continuation, unless employees are also covered under FMLA (based on guidance we have received from the state). NH PFML will run concurrently with FMLA when an employee is covered under both laws.

MetLife will administer the employee's NH PFML benefits. Employers may also provide equivalent benefit coverage (see the FAQs [here](#) for details). Employers have the option for their provided program to have no elimination period, or a 7-day waiting period in order for covered employees to receive pay under NH PFML. Employees may take leave for their own serious health condition (including pregnancy and organ/tissue donation), family care leave, bonding with a new child, qualifying military exigencies, and leave to care for a service member with a serious injury or illness. Leave for an employee's own serious health condition is only available if the employee's injury or illness is not work-related and the employee is not in receipt of STD benefits, as STD and NH PFML cannot be taken concurrently. Additionally, leave benefits can be taken all at once (continuous) or in partial days (intermittent) with a minimum of 4-hour increments.

Employers can enroll in NH PFML, or their individual employees can enroll, if the company has a physical office location in the state of New Hampshire. For example, if your company only has remote employees in NH and doesn't have a physical office there, neither you, nor your employees, can enroll in the NH PFML program.

In situations where the employer opts into the program, they are responsible for taking contributions and remitting them to the program.

If the employer does not opt into the program, but individual employees do opt in, then employers with 50 or more NH workers are responsible for remitting the premiums for those employees. Employers do not have to pay for the contributions in this instance, they must simply assist with the remittance of the employee's premium.

If the employer does opt into NH PFML, then it is the employer's choice as to whether they will pay the full cost of the contributions on behalf of the employee, have the employee cover the full cost, or share the cost with the employee. Employers who choose to participate in the NH PFML, are generally eligible to receive a 50% tax credit for any employer share of the premium they are contributing. Employers will need to complete and submit their most recent Schedule of Business Profits Tax (BPT) Credit (form DP-16O) to the NH Department of Revenue Administration to claim the NH business tax credit. The contribution rate is assessed individually for each employer who opts into the program, and will be determined on a company-by-company basis.

Employers (or their brokers) may request a quote with MetLife (1-866-595-7365) if they wish to enroll their company in PFML. [See the MetLife website here](#). There is no specific open enrollment period for employers, they can enroll at any time.

Individual employees may enroll during the yearly open enrollment period. The open enrollment period in 2023 was January until March 2023. The enrollment period for 2024 is to be confirmed (60-day period that changes every year). When the enrollment period opens, there is a 7-month waiting period for individual employees to be eligible to receive benefits after enrolling. If you are not enrolled as an employer, and an individual employee enrolls, you will receive instructions from MetLife on how to remit employee contributions, if applicable.

Additional Facts:

- Employers may also offer a 12-week NH PFML program (as opposed to 6 weeks), if they wish.
- If an individual employee enrolls in the program, there is a 7-month waiting period until individuals can access NH PFML benefits. There is no waiting period for the employer to opt into the process.
- If employers opt into the program and decide to pass some or all of the premium cost to employees, then employees may opt out of the program. There will be an annual open enrollment period for the program. New hires may enroll within 30 days of hire.
- If employers opt into NH PFML, employer policy will dictate how employees may use PTO and salary continuation with PFML benefits. Employers may also require employees to use all their PTO before taking PFML.
- In the event that an employee individually opts into NH PFML, employees must use all their PTO before receiving PFML benefits. However, employees must be allowed to retain one week of PTO.
- There is no legally required notice/poster that employers are required to provide to employees.

Closing Thoughts: We haven't seen employers/employees utilize this program, because most of our clients already provide pay for some or all of the leave types offered under NH PFML. Further, NH PFML will not provide pay for medical leaves if an employee is in receipt of STD benefits at the same time. The requirement for employers to have a physical office in New Hampshire also means that many employers will not be covered under the law. If you are a Larkin Company client, and you do choose to enroll in the NH PFML program, now or in the future, please let us know as soon as possible, so we can administer your leaves accordingly. If you have individual employees who opt into the program, please also inform Larkin.