



NON-FMLA MEDICAL LEAVE OF ABSENCE

The Company consider an employee's request for a medical or personal leave of absence (where the leave does not qualify for protection under the Family Medical Leave Act (FMLA) in accordance with guidelines set forth below.) This policy generally provides up to six (6) weeks of leave in any "rolling" 12-month period unless otherwise required by law, including the Americans with Disabilities Act Amendments Act (ADAAA).

The purpose of this policy is to provide employees with a general description of their rights to medical leave when they are not FMLA eligible. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Eligibility

An employee with a serious medical condition as defined under the FMLA, who is in his or her first year of employment, may request a leave of absence for a self-qualifying medical event. This leave will be considered for employees that need to be out of work for more than five (5) consecutive days. Employees may take leave up to six (6) weeks within their first 12 months of service. If the leave is due to birth of a child, and the employee gives birth via cesarean section, the employee may qualify for up to eight (8) weeks of leave.

Intermittent leave under non-FMLA is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADAAA.

Employee Notice Requirement

All employees requesting non-FMLA Medical leave must provide written notice of the need for leave to the department manager and/or Human Resources.

Foreseeable: When the need for the leave is foreseeable, the employee must provide the company with at least 30 days' notice. When an employee becomes aware of a need for medical leave fewer than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day.

Unforeseeable: When the need for medical leave is not foreseeable, the employee should notify their manager and Human Resources as soon as possible so that determination of leave accommodation can be made.



Within five business days after the employee has provided this notice, Human Resources will complete and provide the employee with a Notice of Eligibility and Rights and request a medical certification or other supporting documentation as necessary.

Certification

Employees must provide sufficient information for nbkc to determine if the leave may qualify for medical leave, as well as the anticipated timing and duration of the leave. Vague, ambiguous, or non-responsive information will be considered insufficient. Employees also must inform the company if the requested leave is for a reason for which medical leave was previously taken or certified. Refusal or failure to give reasons for requesting medical leave or to provide the requested certification may result in the delay or denial of medical leave.

Employees will be required to provide a medical certification if the leave request is for the employee's own serious health condition. Employees must provide the requested certification within 15 calendar days unless it is not practicable under the particular circumstances to do so despite the employees' diligent, good faith efforts. If the certification is not complete or is insufficient, employees will be required to obtain and provide the additional information necessary to make the certification complete and sufficient. Failure to provide the requested certification in a timely manner may result in delay or denial of the leave. If an employee refuses to provide a certification, his/her leave request may be denied.

If necessary, the Company may contact the health care provider directly to clarify or authenticate a medical certification provided by an employee.

The Company, at its expense, may require the employee to obtain a second opinion if it has a reasonable question regarding the medical certification provided by the employee. If the second health care provider's opinion differs from the original medical certification, the Company, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

When a leave is requested, nbkc will notify the employee of the requirement for certification and when it is due. Failure to provide complete and sufficient certification as required may result in the delay or denial of medical leave.

Employee Status and Benefits During Leave

Employee's health benefits will continue during the leave period at the same level and under the same conditions as if the employee was continuously at work.



While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received within 30 days of the prior month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

The company will provide 15 days' notification prior to the employee's loss of coverage.

If an employee elects not to return to work for at least 30 calendar days at the end of the leave period, he/she will be required to reimburse nbkc for the cost of the health benefit premiums paid by nbkc for maintaining coverage during the leave, unless employee cannot return to work because of a serious health condition or other circumstances beyond his/her control.

On return from an approved medical leave, the company will do its best to return employees to their same position held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. In addition, if health care coverage lapsed because of lack of premium payment, upon return, health care coverage will be restored without preexisting condition, waiting period or medical examination.

Use of an approved medical leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Use of Paid Time Off for Unpaid Leave

Medical leave is "unpaid." Employees will be required to substitute accrued PTO for "unpaid" medical leave.

Medical leave runs concurrently with PTO. The substitution of paid leave time for unpaid leave time does not extend the 6-week period. Further, in no case should the substitution of paid leave time for unpaid leave time result in receipt of more than 100% of an employee's salary.

Intent to Return to Work from Non-FMLA Medical Leave

On a basis that does not discriminate against employees on medical leave, the company may require an employee on medical leave to report periodically on the employee's status and intent to return to work.



The employee must return to work as soon as permitted by his or her health care provider. The employee must submit return to work clearance to the Human Resources Department before returning to work. Employees failing to provide the release from their healthcare provider will not be permitted to resume work until it is provided and may no longer be entitled to reinstatement.

Certain rules apply when an employee is released to return to work (with or without restrictions):

1. The employee must provide a release to return to work (with or without restrictions) from the health care provider.
2. If the employee is released to work with no restrictions, the company will do its best to restore the employee to the same position held prior to the medical leave, or one that is equivalent in pay, benefits and other terms or conditions of employment.
3. If the employee is released to work with restrictions, the Company will review the employee's situation on an individualized basis to determine if reasonable accommodation of the restrictions can be made.
4. Employees who fail to return to work on the scheduled end date of their approved leave of absence or make a timely request for an extension prior to that date will be considered to have abandoned the job and their employment may be terminated without further notice.
5. If an employee is not released to work at the conclusion of his/her medical leave, he/she may request an extension of leave. There is no guarantee of availability or approval of such leave, but upon request, the Company will engage in an interactive dialogue with the employee and will make an individual determination of what is reasonable based on the specific circumstances of the employee.

No Work While on Leave

While on approved leave, it is expected that employees only engage in those activities that are consistent with the reason for the leave. The taking of another job while on an approved leave of absence is grounds for immediate termination, to the extent permitted by law.



Exemption for Key Employees

The Company may choose not to return certain key employees to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Company. (This fact-specific determination will be made by the Company on a case-by-case basis.) The Company will notify employees if they qualify as a "key" employee, if the Company intends to deny reinstatement, and of his/her rights in such instances.

Recordkeeping

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the personnel files.

Employees with any questions regarding this policy should contact the Human Resources Department.