



## **MILITARY LEAVE POLICY**

nbkc bank will provide up to ten days of paid military leave to employees who are members of the state military forces, the United States Armed Forces reserve components, or the United States Armed Forces as provided by state and federal law.

Military leave may be taken concurrently with FMLA and the employee's military service duty requirements.

### **Eligibility**

An employee must be employed by nbkc bank for at least six consecutive months and be classified as a regular, full-time employee who works a standard 40-hour workweek, a regular, part-time employee working 30-39 hours/week, or a commissioned employee, as defined by nbkc bank.

The employee must also meet one of the following criteria:

- Employees who are a member of the National Guard or other reserve component of the United States Armed Services and who are called to active duty, attend scheduled reserve service, and/or temporary training duty.
- Employees who perform voluntarily or involuntarily duty in the "uniformed services" including the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard as defined under USERRA.
- Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active-duty training, and funeral honors duty (performed by the National Guard and reserve members), as well as the period for which a staff member is absent from work for the purpose of an examination to determine fitness to perform any such duty.

### **Notice/Documentation**

An eligible employee shall, initially, verbally notify his/her manager of the need for Military Leave and the timing and duration of the Military Leave. Written notice is preferred but not required under the law or this policy. If the need for Military Leave is foreseeable, an eligible employee must give his/her manager at least 30 calendar days advance notice of the need for leave, if practicable. If the need for Military Leave is not foreseeable, an eligible employee or his/her representative must give notice of the need for leave to the eligible employee's manager as soon as practicable. An eligible employee shall follow up the verbal request for Military Leave in writing to Human Resources.

### **Benefit payment**

An employee on Military Leave will continue to receive their regular salary and benefits during the period of absence in accordance with the following schedule:

- Regular full-time employees who have been employed for at least six months will receive up to ten days paid Military Leave for their military leave assignment. This leave shall be compensated at 100 percent of the employee's regular, straight weekly pay.
- Regular part-time employees working 30-39 hours/week who have been employed for at least six months will receive up to ten days of paid Military Leave for their military leave assignment. This leave shall be compensated at 100 percent of the employees' regularly scheduled hours per week.

- Loan Originators and Loan Originator Managers will be paid an hourly rate determined by their prior six-month commission average. If a Loan Originator or Loan Originator Manager has been employed for less than six months, the employee will be paid based on a salary of \$75,000.

After the Military Leave Benefit has been exhausted, eligible employees may use their available accrued PTO balance, and then once their accrued PTO is exhausted the remainder of their leave may be unpaid. Employees on Military Leave, unlike other leaves at nbkc bank, are not required to exhaust PTO prior to taking unpaid time off.

Payments are made on regularly scheduled paydays. The benefit is taxable income. Military leave cannot be accumulated from year to year. In the event of termination, no payment will be made for any unused leave to which an employee may be due if eligible. No benefits will be paid after an employee has retired.

### **Returning to work/Reemployment**

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

- *Less than 91 days of military service* – reinstated to a position that the employee would have attained if employment had not been interrupted by military service; or, if found not qualified for such position after reasonable efforts by nbkc bank, in the position in which the employee had been employed prior to military service.
- *More than 90 days and less than five years of military service* – reinstated to a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or, if proved not qualified after reasonable efforts by nbkc bank, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
- *Employee with a service-connected disability* - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in another position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by nbkc bank; or, if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

### **Application for Reemployment**

An employee who has been engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment to Human Resources according to the following schedule:

- *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)* - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.



- *If service is for 31 days or more but less than 181 days* - the employee must apply for reemployment with Human Resources, no later than 14 days following the completion of service.
- *If service is over 180 days* - the employee must apply for reemployment with Human Resources, no later than 90 days following the completion of service.
- *If the employee is hospitalized or convalesced from a service-connected injury* - the employee must apply for reemployment with Human Resources, no later than two years following completion of service.

### **Exceptions to Reemployment**

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

- nbkc bank's circumstances have since changed as to make reemployment impossible or unreasonable.
- Reemployment would pose an undue hardship upon nbkc bank.
- The employee's employment prior to military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would continue indefinitely or for a significant period.
- The employee did not receive an honorable discharge from military service.

### **General Benefits Upon Reemployment**

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at nbkc bank. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

### **Documentation**

Human Resources will, upon the employee's reapplication for employment, request that the employee provide nbkc bank with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service, if applicable.

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