

## BNSF RAILWAY COMPANY

**Policy Name: Military Leave Policy**

**Policy No.: HR – 30.11**

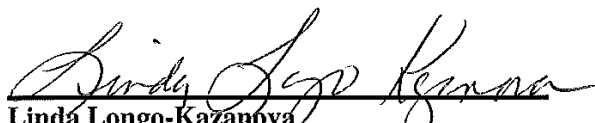
**Effective Date: April 1, 2009**

**Revised Date:**

**Next Review Date: April 1, 2011**

**Human Resources & Medical Department: Employee Benefits and Services**

**Approved By:**

  
Linda Longo-Kazanov  
Vice President - Human Resources & Medical

The BNSF Railway Company (BNSF) may grant employees leave in order to participate in the armed services.

### **ACTIVE DUTY**

Military leave, without pay, will be granted to all employees who leave the services of the Company to enlist, be inducted, or be called or recalled to active duty into the Armed Forces of the United States. An employee may be granted make whole pay while on military leave if he/she meets the criteria noted in the section title War on Terror below.

**War on Terror:** If an employee is involuntarily called or recalled to active duty by order of The President of the United States for service in support of the War on Terrorism (Currently defined as having orders that reflect one of the following operations; Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Nobel Eagle), he/she will be made whole in respect to base salary (with supporting military orders) for a maximum of 12 months (this may be extended beyond the 12 months for employees activated to support the War on Terrorism). The Chief Executive Officer of BNSF Railway Company may designate additional Operations to be eligible for make whole pay.

Each military leave of absence will be granted for the duration of the employee's active service in the Armed Forces, up to the limit set by law.

### **RESERVE DUTY**

Employees who are members of a State National Guard or one of the various Reserve Units of the Armed Services will be paid for a period up to fifteen (15) working days in a calendar year and without the use of any vacation to which they may be entitled, while attending encampment or training maneuvers, with any additional time off for military service to be without pay.

The Company will pay the difference between what the employee received from the Government and what the employee would have received from the Company on the regularly assigned position. This 15-day period may include reasonable travel time in connection with encampment or training maneuvers.

Employees who are called by either the federal or state government for guard duty during strikes, riots, floods, or other emergencies occurring wholly within the United States will be made whole for

a maximum of two weeks (10 working days). Benefits continuation will be as stated in the respective benefit plan document, provided that the employee returns to BNSF promptly after the emergency duty is completed. Emergency service will not be included in the 15-day period for encampment or training maneuvers. A report must be made of government monies received.

### **LEAVE NOTIFICATION**

An employee must properly notify the Company of the leave of absence from the company prior to military service if the need for time off is known to the employee twenty-four (24) hours in advance of such duty.

BNSF's Military Leave form (LOA) should be furnished to the employee prior to departure for duty. This form is to be completed and signed by the employee. The employee should also obtain a pay voucher (LES) and submit such voucher to the Company. This voucher will verify the payment received from the military unit.

### **BENEFITS CONTINUATION**

Benefits continuation will be as stated in the respective benefit plan document. Employees on paid leave (i.e., employees receiving make-whole payments noted (above) will also be eligible to receive an ICP award subject to the terms of the Incentive Compensation Plan. An employee on unpaid leave (i.e., not receiving make-whole payments) will be eligible to receive an ICP award with the approval of the ICP Committee.

While on active duty for the **War on Terror**, the employee may opt out of benefits coverage. If they desire to do so, this is indicated on the leave form. If employees choose to continue benefit coverage while deployed, they are still responsible for their contributions for the coverage. If the employee's make whole payments are not enough to cover these premium deductions, then the employee will be responsible for the payment of the difference upon their return to BNSF service.

### **WHILE ON LEAVE**

When an employee is furloughed from the Company while attending annual encampment or emergency duty, the total compensation received from the Government will be the base figure used to compare to the earnings the employee would have received up to the time of furlough from Company service in the event of a force reduction while on military leave.

### **VACATION AND HOLIDAYS (Scheduled employees)**

While on Military Leave the time while on leave does not count toward the number of days required to work in the current year in order to earn the next year's vacation unless the collective bargaining agreement expressly counts these days as vacation qualifying. Many union agreements also require an employee to work the day before the holiday in order to be paid for the holiday. Military Leave time does not count towards this requirement unless the union agreement expressly counts these days as qualifying for the holiday pay requirement.

### **RETURN FROM MILITARY LEAVE**

When the employee's period of service has been completed, the employee should complete the request to return to service with BNSF, submit the request to the Military Leave Administrator along with the most recent LES statement and a copy of the employee's DD214 form. The employee must return to BNSF service within the time limits mandated by USERRA. Failure to return within the time limits may subject the employee to discipline up to and including termination.

**NON-DISCRIMINATION/NON-RETALIATION FOR MILITARY SERVICE**

Employment discrimination or retaliation because of past, current, or future military obligations is prohibited. This extends to hiring, promotion, re-employment, termination, performance evaluation and benefits.

The military leave policy is intended to be applied in conjunction with applicable law.

**Military Leave Policy Addendum  
Leave Processes and Forms**

<p align="center"><b>Train Service Employees</b></p> <ul style="list-style-type: none"> <li>• Complete time ticket using pay code 83 (military)</li> <li>• Fax most recent LES, BNSF Military LOA Form and orders to Topeka 785-676-5186</li> <li>• Timekeeping specialist can be contacted via VRU at 800-793-4018 or 785-676-2739</li> </ul>		<p align="center"><b>Mechanical Employees</b></p> <ul style="list-style-type: none"> <li>• Supervisor submits notice in METTS, using pay code ML</li> <li>• Employee faxes most recent LES, BNSF Military LOA Form and orders to Topeka at 785-435-1186</li> <li>• Timekeeping specialist can be contacted via the Payroll Hotline at 800-274-6739 or 785-435-3345</li> </ul>
<p align="center"><b>Exempt Employees</b></p> <ul style="list-style-type: none"> <li>• Fax orders, Military LOA Form and LES to Military Leave Administrator at 817-352-7145</li> <li>• Work Event will be submitted for both leave and return</li> </ul>		<p align="center"><b>Maintenance of Way Employees</b></p> <ul style="list-style-type: none"> <li>• Submit LOA with Manpower (MAPS program)</li> <li>• Employee faxes most recent LES, BNSF Military LOA Form and orders to 785-435-1180</li> <li>• Timekeeping specialist can be contacted via the Payroll Hotline 800-274-6739 or 785-435-3345</li> </ul>

**War on Terror Deployments**

Make whole payments are only made when the employee's orders indicate deployment to the War on Terror with one of the three following Operations:

- Operation Iraqi Freedom
- Operation Enduring Freedom
- Operation Noble Eagle

All War on Terror deployments are handled by Military Leave Administrator. Employees must complete the BNSF Military LOA Form, submit a copy of orders and a recent LES to Military Leave Administrator at 817-352-7145 (fax).

While deployed, employees may choose to continue their benefit coverage through BNSF or cancel benefit coverage while deployed. Employees electing to continue benefits coverage are still responsible for the premium payments. If an employee is not receiving make whole payments or the payments are not enough to cover the full benefit cost, then the remaining amount owed will be deducted from their paycheck upon their return to BNSF service.

**Returning to Work**

Once released from deployment:

- Contact Military Leave Administrator as soon as possible at 817-352-1378. Fax a copy of your discharge orders (or Form DD214) to 817-352-7145.
- Contact the Medical Department Analyst at 817-352-1646 in the Medical Department (if you have been deployed for six months or more, you must be cleared through medical to return to work).
  - Complete medical paperwork/physical
- Once cleared, notify your supervisor that you are returning to work.
- You have the right to make up missed contributions to your 401(k) account upon your return from service. If you wish to do so contact your 401(k) administrator: Vanguard 1-800-523-1188 or T. Rowe Price 1-800-922-9945 (Former BN TCU employees).

**Contact Military Leave Administrator if there is any change in your orders or in your deployment (early return or extension).**

Military Leave Administrator  
817-352-1378  
817-352-7145 fax

**Frequently Asked Questions (FAQ's)**

**1. Q. Who do I contact when I get deployment or training orders?**

A. Military Leave Administrator at 817-352-1378

**2. Q. What BNSF Policy governs Military Leave?**

A. Policy 30.11 Military Leave Policy governs employees that are called to active service from the Reserve, National Guard or enlist in active duty in the military. This policy addresses Reserve and National Guard drills, Annual Training, Active Duty Training.

**3. Q. What is Make Whole Pay?**

A. BNSF, in support of employees called to active service in support of the War on Terror will pay the difference between the employee's base military pay and the employee's BNSF pay. The employee is paid the difference based upon the average monthly pay from BNSF minus monthly military base pay. For example, average monthly BNSF pay = \$5,000, military base pay = \$2,000. Make whole pay would be \$3,000 gross pay from BNSF (subject to applicable taxes and deductions).

**4. Q. How do I know if I am eligible for Make Whole Pay?**

A. Deployments to the War on Terror (Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle) receive make whole pay for up to 12 months (may be extended). Make whole pay is provided for National Guard, annual training, weekend drills, etc. for a maximum of 15 days per calendar year.

**5. Q. What is the difference in make whole pay for training and the War on Terror?**

A. Training, weekend drills, guard duty, etc. receive a maximum of 15 days of make whole pay per calendar year. War on Terror deployments receive make whole pay for up to 12 months (may be extended).

**6. Q. Will my benefits continue?**

A. Scheduled employees have the choice of either continuing their BNSF benefits or cancelling them during their deployment. You make this election on the BNSF Military Pay Form. If you elect to continue benefit coverage during your deployment and your make whole pay is not enough to cover the premium cost or you do not receive make whole pay, then you will be required to repay the benefit premiums upon your return. This repayment will be payroll deducted over a period of time.

**7. Q. How do I contact my time keeping specialist?**

A. Train Service employees can contact the time keepers through the VRU System at 1-800-793-4018 or 785-676-2739. Mechanical or Maintenance of Way employees can reach their timekeeping specialist through the Payroll Hotline 1-800-274-6739 or 785-435-3345.

**8. Q. How do I recognize my supervisor for his/her support of me while I was deployed?**

A. Should you wish to recognize your boss for his or her support of National Guard and Reserve members, feel free to nominate him or her for a "Patriot Award" by going to the web site below. Your employer will receive a Department of Defense Certificate of Appreciation and a Patriot lapel pin. <http://esgr.org/forms.asp?p=patriot>



**Employee Military Leave of Absence (Global War on Terror)**

**General Employee Data**

<b>Employee Name</b>			
<b>Employee ID</b>		<b>Union</b>	
<b>Address</b>		<b>Job Title</b>	
		<b>Location</b>	
<b>City</b>		<b>Division</b>	
<b>State</b>		<b>Department</b>	
<b>Zip code</b>		<b>Supervisor</b>	
<b>Personal Email Address</b>		<b>Stateside Contact Name</b>	
<b>Cellular #</b>		<b>Stateside Contact Ph #</b>	
<b>Military Grade/Rank</b>		<b>PEBD (Years of Military Service)</b>	
<b>Period of Duty</b>	<b>From</b>	<b>To</b>	

**Description of Orders (mark one):**

- Operation Iraqi Freedom     
  Operation Noble Eagle     
  Operation Enduring Freedom

**Note to Employee: If your military leave is for National Guard, Training, or State Emergencies, you should use the Military Leave form for that purpose.**

**Benefits Coverage (select one):**

- I wish to continue having coverage under the BNSF program while on military leave and understand that I will have to continue to pay the monthly contribution. This contribution will be taken out of any make whole payments I may receive from BNSF while on leave, or, if there are insufficient funds in the make whole pay, I will be required to catch up these contributions upon my return (automatic payroll deduction).
- I wish to suspend my BNSF benefits entirely (employee & family) until I return from my military leave.
- I am not currently enrolled in the BNSF insurance program, as I opted out during the enrollment period.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Statement: A copy of your orders and a recent leave and earnings statement (LES) must be faxed to 817-352-7145. Questions may be directed to your military leave administrator at 817-352-1378.**

**Please note: Should your orders be extended it is imperative that you contact your military leave administrator, providing updated orders and LES (if your years of service or rank have changed). Failure to do so will affect your pay and benefits.**

Below are links to documents which contain important information regarding your military leave and return to work requirements:

BNSF Military Leave Policy with Q&A's:

[http://bnsfweb.bnsf.com/departments/corpsupport/hr\\_pol/030\\_06.pdf](http://bnsfweb.bnsf.com/departments/corpsupport/hr_pol/030_06.pdf)

ESGR Q&A's: [http://www.esgr.org/files/factsheet/FactSheet\\_QA\\_FS.pdf](http://www.esgr.org/files/factsheet/FactSheet_QA_FS.pdf)

USERRA: [http://www.dol.gov/vets/programs/userra/Right\\_Act4\\_2005.pdf](http://www.dol.gov/vets/programs/userra/Right_Act4_2005.pdf)

**ADMINISTRATIVE USE ONLY BELOW THIS LINE**

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**Action:**  
**Action Reason:**

**Add Comments:**

**Approver's Comments:**



**Employee Military Leave of Absence (National Guard, Drill, Training or State Emergencies)**

**General Employee Data**

<b>Employee Name</b>			
<b>Employee ID</b>		<b>Union</b>	
<b>Employee Address</b>		<b>Job Title</b>	
<b>Cellular or Home #</b>		<b>Location</b>	
<b>City</b>		<b>Division</b>	
<b>State</b>		<b>Department</b>	
<b>Zip code</b>		<b>Supervisor</b>	

**Date of Leave (Entry) - Begin Date of Orders:** \_\_\_\_\_ **End Date of Orders:** \_\_\_\_\_

Note to Employee: If your military leave is for War on Terror you should use the Military Leave form for that purpose.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Below are links to documents which contain important information regarding your military leave and return to work requirements:

USERRA: [http://www.dol.gov/vets/programs/userra/Right\\_Act4\\_2005.pdf](http://www.dol.gov/vets/programs/userra/Right_Act4_2005.pdf)

BNSF Military Leave Policy with Q&A's:

[http://bnsfweb.bnsf.com/departments/corpsupport/hr\\_pol/030\\_06.pdf](http://bnsfweb.bnsf.com/departments/corpsupport/hr_pol/030_06.pdf)

ESGR Q&A's: [http://www.esgr.org/files/factsheet/FactSheet\\_QA\\_FS.pdf](http://www.esgr.org/files/factsheet/FactSheet_QA_FS.pdf)

**ADMINISTRATIVE USE ONLY BELOW THIS LINE**

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**Action:**  
**Action Reason:**

**Add Comments:**

**Approver's Comments:**



## Request To Return From Military Leave

### General Employee Data

Employee Name			
Employee ID		Union	
Employee Address		Job Title	
Cellular or Home #		Location	
City		Division	
State		Department	
Zip code		Supervisor	

Date of release from Military Service: \_\_\_\_\_  
(Date reflected on DD214) (mm/dd/yyyy)

Date employee will return to BNSF service: \_\_\_\_\_  
(mm/dd/yyyy)

I hereby request to return to BNSF service effective the date noted above. I hereby state that I was honorably discharged from active duty.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Fax completed form to: Military Leave Administrator  
Fax: 817-352-7145

Below are links to documents which contain important information regarding your military leave and return to work requirements:

USERRA: [http://www.dol.gov/vets/programs/userra/Right\\_Act4\\_2005.pdf](http://www.dol.gov/vets/programs/userra/Right_Act4_2005.pdf)

BNSF Military Leave Policy with Q&A's:

[http://bnsfweb.bnsf.com/departments/corpsupport/hr\\_pol/030\\_06.pdf](http://bnsfweb.bnsf.com/departments/corpsupport/hr_pol/030_06.pdf)

ESGR Q&A's: [http://www.esgr.org/files/factsheet/FactSheet\\_QA\\_FS.pdf](http://www.esgr.org/files/factsheet/FactSheet_QA_FS.pdf)