

BNSF RAILWAY COMPANY

Policy Name: Military Leave Policy **Policy No.:** HR – 30.11
Effective Date: April 1, 2009
Revised Date: September 1, 2010
Last Review Date: September 1, 2010
Next Review Date: September 1, 2012

Human Resources & Medical Department: Employee Benefits and Services

Approved By: Riz Chand
Riz Chand
Vice President and Chief Human Resources Officer

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

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 New Dawn
- ◆ 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:

Scheduled Military Leave Administrator 817-352-7453 fax

Exempt Military Leave Administrator 817-352-7145 fax

While deployed, employees may chose 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 the employee's paycheck upon their return to BNSF service.

Returning to Work

Once released from deployment:

- ◆ Contact the appropriate Military Leave Administrator as soon as possible and fax a copy of your discharge orders (or Form DD214):
 - Scheduled Military Leave Administrator** 817-352-2034, 817-352-7453 (fax)
 - Exempt Military Leave Administrator** 817-352-1378, 817-352-7145 (fax)
- ◆ Contact the Medical Department Analyst at 817-352-1646 if you have been deployed for six months or more, you must be cleared through the Medical Department to return to work.
 - Complete Medical Department 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 Vanguard at 800-523-1188.

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

Military Leave Administrator
Scheduled 817-352-2034, 817-352-7453 (fax)
Exempt 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. The Military Leave Administrator:
 - a. Scheduled – 817-352-2034, 817-352-7453 (fax)
 - b. Exempt – 817-352-1378, 817-352-7145 (fax)
- 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 New Dawn, 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 800-793-4018 or 785-676-2739. Mechanical or Maintenance of Way employees can reach their time keeping specialist through the Payroll Hotline at 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>



Print and Save functions are available by clicking anywhere on the form and hitting the F8 key on your keyboard.

Employee Military Leave (Global War on Terror)

General Employee Data

Employee Name	Union Code/Union /
Employee ID	Job Title
Employee Address	Location
City, State	Division
Zip Code	Department
	Supervisor

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

Action:	<input type="text"/>	Is this a New Leave or an Extension?	<input type="text"/>
Action Reason:	<input type="text"/>	(Select Benefits Coverage below to enable the reason.)	

Benefits Coverage: *(Please select one of the options below)*

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.

Description of Orders: Operation New Dawn Operation Noble Eagle Operation Enduring Freedom

Period of Duty Begin:	<input type="text"/>	End:	<input type="text"/>	Stateside Contact Name	<input type="text"/>
Cellular #	<input type="text"/>	Stateside Contact Phone #	<input type="text"/>		
Military Grade/Rank	<input type="text"/>	Stateside Email	<input type="text"/>		
PEBD (Years of Military Service)	<input type="text"/>	Personal Email	<input type="text"/>		

Statement: A copy of your orders and a recent leave and earnings statement (LES) must be either emailed to MilitaryLeaves@BNSF.com or faxed to 817-352-7145 (exempt employees) or 817-352-7453 (union employees). Questions may be directed to your Military Leave Administrator at 817-352-1378 (exempt) or 817-352-2034 (union).

Your eligibility for paid or unpaid leave (make whole pay) will be determined by your military leave administrator.

Please note: Should your orders be extended it is imperative that you contact your military leave administrator, providing updated orders and LES. Failure to do so will affect your pay and benefits.

Below are links to documents which contain requirements:

BNSF Military: <http://www.dol.gov/vets/regs/fedreg/final/2005023961.pdf>

USERRA: http://www.esgr.org/files/factsheet/FactSheet_QA_FS.pdf

ESGR Q&A's:

Comments

Comment History

Print and Save functions are available by clicking anywhere on the form and hitting the F8 key on your keyboard.



Print and Save functions are available by clicking anywhere on the form and hitting the F8 key on your keyboard.

National Guard, Drill, State Emergencies

Employee Name	Union Code/Union /
Employee ID	Job Title
Employee Address	Location
	Division
City, State	Department
Zip code	Supervisor

Description Of Orders National Guard, Drill
 State Emergencies (called up by Governor or other state official)

Date of Leave (entry) - Begin Date of Orders: **End Date of Orders:**

Action Reason

Is this a New Leave or an Extension?

Continuation of Benefits Coverage: (Please select one of the options below)

My leave is for a short period of time and will not affect my benefits.

I do not wish to pay for continued coverage.

I wish to continue coverage under the BNSF program while on leave and understand that I will continue to pay my share of the monthly premium. Premiums will be taken out of any compensation I receive from BNSF while on leave. If the compensation received during leave is insufficient to cover my premium contributions, I will be required to catch up these contributions upon my return by automatic payroll deduction.

I am not currently enrolled in the BNSF insurance program, as I opted out during the enrollment period.

Note 1: Per USERRA guidelines, certain employees may receive "furlough-like" coverage at the on-set of their leave.
 Note 2: For information on your benefit coverage, please call the Benefits Helpline 800-234-1283 Option 2 (union employee), then Option 1 (medical, dental or vision), and then Option 1 (eligibility).

Per BNSF policy, you may be eligible for up to 15 days of make whole pay during a calendar year. To receive this pay, you must fax a copy of your orders and leave and earnings statement (LES) to your timekeeping group as follows:

Engineering (785) 435-1180	Mechanical (785) 435-1186	TY&E (785) 676-5186
Clerical (BN) (817) 593-2985	Dispatchers (785) 676-4957	Exempt (817) 352-7145
Clerical (SF) (785) 676-4957	Other (817) 352-7453	

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_11.pdf
 USERRA: <http://www.dol.gov/vets/regs/fedreg/final/2005023961.pdf>
 ESGR Q&A's: http://www.esgr.org/files/factsheet/FactSheet_QA_FS.pdf

Comments	
-----------------	--

Comments History	
-------------------------	--

Print and Save functions are available by clicking anywhere on the form and hitting the F8 key on your keyboard.



Print and Save functions are available by clicking anywhere on the form and hitting the F8 key on your keyboard.

Enlistment, Military Service (Other than GWOT), Misc. Military Training

Employee Name	Union Code/Union /
Employee ID	Job Title
Employee Address	Location
	Division
City, State	Department
Zip code	Supervisor

Description of Orders:

Enlistment (See Note 3 Below)

Military Service (Other than Global War on Terror)

Miscellaneous Military Training

Date of Leave (entry) - Begin Date of Orders: **End Date of Orders:**

Action Reason: **Is this a New Leave or an Extension?**

Continuation of Benefits Coverage: (Please select one of the options below)

My leave is for a short period of time and will not affect my benefits.

I wish to continue coverage under the BNSF program while on leave and understand that I will continue to pay my share of the monthly premium. Premiums will be taken out of any compensation I receive from BNSF while on leave. If the compensation received during leave is insufficient to cover my premium contributions, I will be required to catch up these contributions upon my return by automatic payroll deduction.

I do not wish to pay for continued coverage.

I am not currently enrolled in the BNSF insurance program, as I opted out during the enrollment period.

Note 1: Per USERRA guidelines, certain employees may receive "furlough-like" coverage at the on-set of their leave.

Note 2: For information on your benefit coverage, please call the Benefits Helpline 800-234-1283 Option 2 (union employee), then Option 1 (medical, dental or vision), and then Option 1 (eligibility).

Note 3: **Enlistment:** If you are enlisting in the service and are later given orders for the Global War on Terror, please contact your Military Leave Administrator at 817-352-1378 (exempt employees) or 817-352-2034 (union employees) or MilitaryLeaves@BNSF.com to update your status. You may be eligible for extended make whole pay at that time.

Per BNSF policy, you may be eligible for up to 15 days of make whole pay during a calendar year. To receive this pay, you must fax a copy of your orders and leave and earnings statement (LES) to your timekeeping group as follows:

Engineering (785) 435-1180	Mechanical (785) 435-1186	TY&E (785) 676-5186
Clerical (BN) (817) 593-2985	Dispatchers (785) 676-4957	Exempt (817) 352-7145
Clerical (SF) (785) 676-4957	Other (817) 352-7453	

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_11.pdf

USERRA: <http://www.dol.gov/vets/regs/fedreg/final/2005023961.pdf>

ESGR Q&A's: http://www.esgr.org/files/factsheet/FactSheet_QA_FS.pdf

Comments	<input type="text"/>
-----------------	----------------------

Comments History	<input type="text"/>
-------------------------	----------------------

Print and Save functions are available by clicking anywhere on the form and hitting the F8 key on your keyboard.



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:

Scheduled Military Leave Administrator – 817-352-7453 (fax)
Exempt Military Leave Administrator – 817-352-7145 (fax)

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

USERRA <http://www.dol.gov/compliance/laws/comp-userra.htm>

BNSF Military Leave Policy with Q& A's:

http://bnsfweb.bnsf.com/departments/corpsupport/hr_pol/030_11.pdf

ESFR Q&A's: http://www.esgr.org/files/factsheet/FactSheet_QA_FS.pdf

Time Keeping Instructions

NGD / Reserves / Training / Drill

- ◆ Due up to 15 days make-whole pay per calendar year
- ◆ Employee must submit ticket upon return
- ◆ Questions should be directed to your Time Keeping Specialist; call through VRU
- ◆ Fax the following to TYECS: 785-676-5186 (fax)

National Emergency Duty / State Activation

- ◆ Due up to 10 days make-whole pay per calendar year
- ◆ Employee must submit ticket upon return
- ◆ Questions should be directed to your Time Keeping Specialist; call through VRU
- ◆ Fax the following to TYECS: 785-676-5186
 - Copy of Orders
 - Copy of LES

War on Terror Deployments

Operation New Dawn, Operation Enduring Freedom, Operation Noble Eagle

- ◆ Employee will be paid the difference of BNSF wage average less Military base pay; when applicable.
- ◆ Employee must communicate leave information to:
 - Military Leave Administrator
 - Scheduled Military Leave Administrator – 817-352-2034, 817-352-7453 (fax)
 - Exempt Military Leave Administrator – 817-352-1378, 817-352-7145 (fax)
 - Fax the following:
 - Copy of Orders
 - Copy of LES
 - Benefits Selection
- ◆ Questions should be directed to appropriate Military Leave Administrator noted above.
- ◆ Employee must communicate leave information to local Director of Administration/Supervisor
 - If leave is more than 10 days, employee must submit for leave of absence.
- ◆ Employee is responsible for notification to Military Leave Administrator for:
 - Returning to work for BNSF Railway
 - Leave extension
 - Returning early from military leave
 - Leave status change (medical, etc.)
 - Change in pay
 - Rank
 - Years of Service
- ◆ Make whole pay stops when employee returns from active duty; not when employee returns to work for BNSF
- ◆ BNSF Vacation
 - Pay is offset by number of scheduled vacation days paid in a pay period
 - Unscheduled vacation is paid out at the end of the year; Pay offset by the number of vacation days paid in a pay period.
 - Upon return, vacation qualification detail is updated to include days spent in active duty.

Additional information can be found in BNSF Policy 30.11, USERRA (Uniformed Services Employment and Re-Employment Rights Act) or by contacting the Military Leave Administrator.