

**BNSF**



**BURLINGTON NORTHERN  
SANTA FE  
EMPLOYEE ASSISTANCE  
PROGRAM**

Summary Plan Description

January 1, 2001

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## The Employee Assistance Program Overview

We all have some type of stress in our lives—sometimes the cause is minor and short-lived; other times, it's a long-term issue and quite severe. The stress may stem from a work-related issue or some other part of your life. The Employee Assistance Program (EAP) is a company-sponsored program designed to provide immediate professional assistance for personal or emotional problems. These services are provided as an employee/dependent benefit, and include assistance with marital, family, work-related conflicts, emotional distress, and alcohol or drug abuse. During difficult times, the BNSF Employee Assistance Program can be a valuable benefit when you or a family member needs confidential help handling the stresses of life.

### Program Highlights

To ensure your confidentiality, the Company has contracted with an outside firm—CORPHEALTH, Inc.—to administer the EAP.

There is no cost to you for calling the EAP or for counseling services provided by the EAP. (See “When You Pay for Services” on page 4)

You, your spouse or eligible dependent children may call the toll-free EAP hotline anytime, seven days a week, 24 hours a day, for help with clinical, legal and financial issues. The EAP can help you identify the problem and plan an appropriate course of action. Depending on the problem, further counseling may be unnecessary or a referral may be made to another professional to provide more in-depth help.

Your supervisor may also refer you to the EAP for help with a job-related issue.

To reach the EAP, call **1-800-383-2327**.

CORPHEALTH, Inc. may also assist the BNSF Medical & Environmental Health Department (MEH) in determining your fitness for duty when behavioral healthcare and/or chemical dependency issues are involved. Please refer to the section on “Confidentiality” on page 5 and the section on “MEH Referral to the EAP” on page 7 for a more detailed explanation.

## Eligibility

To participate in the EAP, you must be a regularly assigned employee of BNSF or a related employer. The EAP is not available to service providers such as leased employees or independent contractors.

Your eligible dependents include your:

- Legal spouse;
- Unmarried children under age 19, who live with you, depend on you for support and are claimed as a dependent on your federal tax return;
- Unmarried children under age 23, if they are full-time students at an accredited school and dependent on you for support;
- Unmarried children of any age who are disabled, live with you and depend on you for support; and
- Children who are considered to be covered by a court's Qualified Medical Child Support Order (QMCSO).

Your children include:

- Unmarried children who are legally adopted,
- Children placed for adoption, or
- Children placed under the legal guardianship of you or your spouse, and who live with you.

## Enrollment

EAP participation is automatic—you do not need to enroll. EAP benefits and services are available to all eligible employees and their dependents, regardless of whether you enroll in any of the other BNSF benefit plans.

## When you Pay for Services

There is no cost to you or any member of your family to use the EAP services. However, if the EAP staff refers you to another qualified professional, you are responsible for paying for the services of the referred provider. Keep in mind, your Medical Plan may cover all or part of these expenses. (See “How the EAP Works” on page 4.)

## When Coverage Begins

If you are a full-time employee, coverage under the EAP starts automatically on your first day of employment.

Coverage for your eligible family members begins on the same day as yours. Coverage for new dependents, such as a new baby, begins on the date he or she becomes your dependent.

## How the EAP Works

The EAP, administered through CORPHEALTH, Inc. (CHI), and paid for by the Company, provides confidential mental health assessment and referral services for you, your spouse and eligible dependent children. The EAP also recommends and monitors treatment for alcoholism and substance abuse and assists in assessing an employee's fitness for duty when behavioral healthcare and/or chemical dependency issues are involved.

You or any covered dependent can contact EAP anytime—24 hours a day, seven days a week—for confidential help with concerns such as anxiety, depression or other stress-related issues, legal issues, and financial concerns.

1. When you call EAP at 1-800-383-2327, you need only to identify yourself as a BNSF employee or a dependent of an employee. Your dependent must provide the employee's Social Security Number to access a counselor. An EAP counselor will take your call and talk with you about your concerns.
2. Your EAP counselor will help you clarify the nature of your problem or concern and determine exactly what assistance you need to get you started in the right direction. Many times individuals receive what they need during the assessment and need no outside referral.
3. Any time that further counseling is needed, the EAP counselor will refer you to qualified outpatient care providers or self-help resources in your geographic area or discuss inpatient treatment alternatives with you. If you, or a covered dependent, needs inpatient or outpatient treatment for mental health care, alcoholism or drug dependency, and you are referred for such treatment by EAP, your Medical Plan **may** pay a percentage of the covered charges. Your EAP counselor will assist you in accessing your benefit plan, where appropriate, and will provide suggestions for minimizing out-of-pocket cost for the services recommended.
4. You may be required to work with an EAP counselor in order to assess your fitness for duty when behavioral healthcare and/or chemical dependency issues are involved.

## **Professional Requirements for Covered Providers**

CHI, as the independent administrator of the EAP, carefully screens the counselors and mental health care providers it recommends to ensure that they meet or exceed specific professional requirements. To qualify, each provider must:

- Be licensed to provide mental health care services in the state where services are being provided;
- Have a Master of Arts (MA) or Master of Social Work (MSW) degree, or Ph.D. in an appropriate field; and
- Have sufficient malpractice liability insurance coverage, determined by industry standards as applied by CHI.

BNSF relies on CHI's evaluation and does not investigate providers suggested by CHI or make any representation about their qualifications or the standard of care they provide.

## **Confidentiality**

**You are guaranteed complete confidentiality when you use the EAP.** In fact, absolute confidentiality is one of the most important reasons the Company has chosen an outside firm to administer the Employee Assistance Program.

The EAP is staffed by counselors committed to confidentiality as a matter of professional ethics. No one will reveal any information obtained during any contact with the EAP without your permission, unless required by law. The law may require the release of specific information when the life or safety of a person or persons is seriously threatened. All written records of your contact with the Employee

Assistance Program are kept by CHI. Records maintained by CHI do not become part of your personnel file. CHI does not name individuals using the program's services, nor does it share details of your case with the Company if the referral is voluntary and does not involve absence from work. The Company receives only a periodic statistical breakdown of overall usage.

EAP also provides the BNSF Medical & Environmental Health Department (MEH) assistance in assessing an employee's fitness for duty when behavioral healthcare and/or chemical dependency issues are involved. EAP reviews information from the employee's care provider and forwards to MEH a recommendation regarding the employee's fitness for duty. In such cases, information an employee provides is confidential unless EAP is required by law to release it. MEH notifies the employee's supervisor of the dates the employee may return to work and recommended work restrictions. The employee's supervisor receives no other information unless the employee grants permission through a written release.

Use of EAP services will in no way affect your future employment or career advancement.

## **Situations When the EAP Can Help**

The EAP can be a source of information and help for most personal difficulties including:

- Depression or stress-related issues;
- Marital and relationship difficulties;
- Alcohol and drug-related issues;
- Eating disorders;
- Crisis intervention;
- Locating resources for the care of children, elderly parents or disabled dependents;
- Financial and legal counseling; and
- Work-related concerns.

Keep in mind that for concerns or problems that are strictly job-related, the EAP may help you deal with stress or pressures of the job, but will not intervene in job situations. For example, if you believe a problem is your supervisor's fault, the EAP will not intervene with your supervisor. If you are unsure of the root cause of your problem, however, the EAP can help you look at how you are getting along with people in general, including your supervisor.

## **Help Finding Community Resources**

One of the EAP's key functions is to inform you of available community resources. For example, you may use the EAP to help locate care for elderly or disabled relatives or day care for your children. The EAP can assist you in finding emergency help in cases of spouse battering or child abuse. Stress, single parenting issues, financial or legal concerns, marital/relationship problems, and work-related issues are just a few of the other situations in which the EAP can also help point you in the right direction.

Remember, there is no cost to use the EAP counseling services. However, if the EAP counselor refers you to another qualified professional, you are responsible for paying for the services of the referred provider.

## **Supervisor Referral to the EAP**

Your supervisor may refer you to the EAP because of an on-the-job or performance issue. If this is the case, please remember that even when the supervisor refers you, the decision to use the EAP is always up to you. It is *your* choice.

In cases where dismissal is imminent, your supervisor has the option of referring you to the EAP at his or her discretion. However, referral to the EAP is not guaranteed. In addition, participation in the EAP does not guarantee continued employment. There is no promise or guarantee that dismissal will be prevented.

If you agree to participate, your supervisor then makes the initial call to the EAP. Once you talk to the EAP, your supervisor has no more involvement. Although the EAP will inform your supervisor if you do not follow through with the appointment or discontinue the recommended course of action or treatment, actual case details will be kept confidential; they will not be provided to your supervisor or the Company.

## **MEH Referral to the EAP**

The BNSF Medical and Environmental Health Department (MEH) may refer you to the EAP in order to assess your fitness for duty when behavioral healthcare and/or chemical dependency issues are involved. In these instances, the EAP counselor will communicate with your care provider and recommend to MEH a return-to-work plan. MEH notifies the employee's supervisor of the dates the employee may return to work and recommended work restrictions. The employee's supervisor receives no other information unless the employee grants permission through a written release.

## **Filing Claims**

No claim forms are needed for your conversations with the EAP counselor.

If your EAP counselor refers you to another qualified professional, you are responsible for paying for the services of the referred provider. You may be able to submit claims for further counseling or treatment through the Medical Plan you are enrolled in or to your Health Care Spending Account, if applicable.

## **EAP Coverage During Leave of Absence**

During a paid or unpaid *authorized* leave of absence, your EAP coverage will remain in effect at no cost to you. In no event will coverage under this provision be extended beyond 18 months following the date your leave began.

The above program provision is intended to comply with the Family and Medical Leave Act of 1993 and the Uniformed Services Employment and Reemployment Rights Act of 1994, as well as to clarify the Company's coverage continuation provisions during any authorized leave of absence.

## **When Coverage Ends**

Coverage under the EAP for you or your dependents ends on the first to occur of the following dates:

- You or your dependent no longer meets the eligibility requirements;
- The last day of the month in which your employment ends;
- The Program ends.

## **Future of the Program**

Because future conditions cannot be foreseen, the Company necessarily reserves the right to amend or modify the provisions of the Program including, but not limited to, the employee assistance benefit provisions. The Program may be amended, changed or modified, in whole or in part, by a written instrument authorized by resolutions adopted by the Plan Administrator.

BNSF expects to continue the Employee Assistance Program (EAP) indefinitely, but reserves the right to amend or discontinue it at any time. The Company's decision to change or end the Program may be due to changes in federal or state laws governing the welfare plans, the requirements of the Internal Revenue Code or ERISA, or any other reason. If the Company does make a change or decides to end the Program, it may decide to set up a different program providing similar or identical benefits. The Company has the right to require employee contributions to participate in the Program.

The Program may be terminated or changed by resolutions authorizing the change adopted by the Plan Administrator.

## **Claims Procedures**

There is no cost to you for calling the EAP or for services provided by the EAP. However, if the EAP counselor refers you to another qualified professional, you are responsible for paying for the services of the referred provider. Your Medical Plan may cover all or part of these expenses. You may be able to submit claims for further counseling or treatment through the Medical Plan you are enrolled in or to your Health Care Spending Account, if applicable. Please refer to your Medical Plan SPD for additional information on the claims procedures, including information on how to appeal a denied claim.

## **Legal Actions**

You and your covered dependents may not sue for benefits under the Program after one year following the date you give proof of claim.

## **Continuation of Coverage Under COBRA**

No conversion policy is available once coverage in the EAP Program terminates. For COBRA continuation coverage under your Medical Plan, please refer to your Medical Plan SPD.



## **Administrative Information**

### **Program Costs**

Your employer pays the full cost of the EAP Program from the VEBA Trust. You are not required to make employee contributions in order to be covered under this Program.

### **Program Name and Plan Number**

The Employee Assistance Program is a participating program in the Burlington Northern Santa Fe Group Benefits Plan, a consolidated welfare benefits program under ERISA that files its annual returns under Plan Number 501.

### **Company and Employer**

The terms "BNSF", "Company", and "Employer" as used in this SPD refer to Burlington Northern Santa Fe Corporation, or an affiliate of BNSF whose employees are eligible to participate in the EAP Program.

### **Company Name and Identification Number**

The Employee Assistance Program is sponsored by Burlington Northern Santa Fe Corporation, Employer Identification Number 41-1804964.

### **Program Administrator and Agent for Service of Legal Process**

The BNSF Employee Assistance Program Administrator's name, address and telephone number are as follows:

Employee Benefits Committee  
c/o The Burlington Northern and Santa Fe Railway Company  
2500 Lou Menk Drive  
Fort Worth, Texas 76131  
817-352-3620

The agent for service of legal process is:

Mr. Jeffrey R. Moreland  
Executive Vice President Law and Government Affairs  
2500 Lou Menk Drive  
Fort Worth, Texas 76131

The Burlington Northern Santa Fe Employee Benefits Committee is the Program Administrator. The Program Administrator has the discretionary authority to interpret Program provisions and to determine whether an Employee or Dependent is eligible for initial or continued enrollment in the Program. The Program Administrator's discretionary authority includes the right to interpret the provisions of the Program for the purposes of resolving any inconsistency or ambiguity, correcting any error, or supplying information to correct any omission.

### **Services Administrator**

CORPHEALTH, Inc.  
1300 Summit Ave., Suite 600  
Fort Worth, Texas 76102  
Phone: 817-332-2519

**Program Year**

The Program Year is the calendar year.

## **Your Rights Under ERISA**

As a participant in the BNSF EAP Program, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that participants will be entitled to:

### **Receive Information About Your Employee Assistance Program Benefits**

Examine, without charge, at the Program Administrator's office and other locations, such as worksites and union halls, all documents governing the Employee Assistance Program, including insurance contracts and collective bargaining agreements and a copy of the latest annual report (Form 5500 series) filed by the Program with the U.S. Department of Labor and available at the Public Disclosure Room of the Pension and Welfare Benefit Administration.

Obtain, upon, written request to the Program Administrator, copies of documents governing the operation of the Program, including insurance contracts and collective bargaining agreements and copies of the latest annual report (Form 5500 Series) an updated summary plan description. The Program Administrator may make a reasonable charge for the copies.

Receive a summary of the Program's annual financial report. The Program Administrator is required by law to furnish each participant with a copy of this summary annual report.

### **Prudent Actions by Plan Fiduciaries**

In addition to creating rights for Program participants, ERISA imposes duties upon the people who are responsible for the operation of this Program. The people who operate the Program, called *fiduciaries* of the Program, have a duty to do so prudently and in the interest of you and other Program participants and beneficiaries.

No one, including your employer, your union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a benefit or exercising your rights under ERISA.

### **Enforce Your Rights**

If your claim for a benefit is denied or ignored in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request materials from the Program Administrator and do not receive them within 30 days, you may file suit in a federal court. In such a case, the court may require the Program Administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Program Administrator. If you have a claim for benefits that is denied or ignored, in whole or in part, you may file suit in a state or federal court.

In addition, if you disagree with the Program's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in federal court.

If it should happen that plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor or you may file suit in a federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees — for example, if it finds your claim is frivolous.

**Assistance With Your Questions**

If you have any questions about the plan, you should contact the Program Administrator.

If you have questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Program Administrator, you should contact the nearest area office of the Pension and Welfare Benefits Administration, U.S. Department of Labor, listed in your telephone directory, or the Division of Technical Assistance and Inquiries, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Pension and Welfare Benefits Administration.

The next page lists the PWBA area offices.

# *Offices of the Pension and Welfare Benefits Administration, U.S. Department of Labor*

|   |   |
|---|---|
| Atlanta Regional Office<br>61 Forsyth Street, S.W.<br>Suite 7B54<br>Atlanta, GA 30303<br>Phone: 404/562-2156                      | Miami District Office<br>111 N.W. 183rd Street<br>Suite 504<br>Miami, FL 33169<br>Phone: 305/651-6464                                       |
| Boston Regional Office<br>One Bowdoin Square<br>7th Floor<br>Boston, MA 02114<br>Phone: 617/424-4950                              | New York Regional Office<br>1633 Broadway, Room 226<br>New York, NY 10019<br>Phone: 212/399-5191  |
| Chicago Regional Office<br>200 W. Adams Street<br>Suite 1600<br>Chicago, IL 60606<br>Phone: 312/353-0900                          | Philadelphia Regional Office<br>Gateway Building<br>3535 Market Street<br>Room M300<br>Philadelphia, PA 19104<br>Phone: 215/596-1134        |
| Cincinnati Regional Office<br>1885 Dixie Highway<br>Suite 210<br>Ft. Wright, KY 41011-2664<br>Phone: 606/578-4680                 | St. Louis District Office<br>815 Olive Street<br>Room 338<br>St. Louis, MO 63101-1559<br>Phone: 314/539-2691                                |
| Dallas Regional Office<br>525 Griffin Street<br>Room 707<br>Dallas, TX 75202-5025<br>Phone: 214/767-6831                          | San Francisco Regional Office<br>71 Stevenson Street<br>Suite 915<br>P.O. Box 190250<br>San Francisco, CA 94119-0250<br>Phone: 415/975-4600 |
| Detroit District Office<br>211 W. Fort Street<br>Suite 1310<br>Detroit, MI 48226-3211<br>Phone: 313/226-7450                      | Seattle District Office<br>1111 Third Avenue<br>Suite 860<br>MIDCOM Tower<br>Seattle, WA 98101-3212<br>Phone: 206/553-4244                  |
| Kansas City Regional Office<br>City Center Square<br>1100 Main<br>Suite 1200<br>Kansas City, MO 64105-2112<br>Phone: 816/426-5131 | Washington, D.C. District<br>Office<br>1730 K Street, N.W.<br>Suite 556<br>Washington, DC 20006<br>Phone: 202/254-7013                      |
| Los Angeles Regional Office<br>790 E. Colorado Boulevard<br>Suite 514<br>Pasadena, CA 91101<br>Phone: 818/583-7862                |   |

This SPD is only a summary of the BNSF Employee Assistance Program. It does not constitute a contract. The Employee Assistance Program has been established under a plan document. If there are any differences between this SPD and the plan document, the plan document will control.