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March 27, 2024

BNSF Railway Co.
ALL DIVISIONS

SYSTEM GENERAL NOTICE No. 280

TO ALL CONCERNED,

SUBJECT: TY&E Leaves of Absence

System General Notice No. 181 is canceled.

Effective April 1, 2024

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A. Critical Incident Relief (CIR)

BNSF has provided services to its employees involved in critical incidents for well over 20 years, recognizing the value of care, concern and support services to affected employees as critical to its overall safety initiatives. These services are offered to all directly involved employees following a critical incident, including those under 49 CFR part 272.

The Critical Incident Relief (CIR) process is outlined as follows:

1. Employee requests relief from duty from his/her supervisor following a critical incident.
2. The supervisor provides CIR Employee Information Card and explains the process including available resources.
3. Employee remains marked up.
4. If employee is unable to report for next tour of duty, he or she must contact his or her supervisor.
5. If the employee requests additional time off, supervisor will:
 - a. Confirm that the employee received CIR card and has access to support services;
 - b. Authorize CIR (typically 1-3 days paid at a basic daily rate) Time off beyond authorized CIR will follow Medical Leave of Absence (MLOA);
 - c. Notify leave administrator utilizing layoff code CIR.
 - d. Complete EHS Star CIR Supervisor Checklist.
 - e. Inform Division General Manager, Superintendent Safety and Operating Practices, Shop Superintendent, or General Director

Line Maintenance of all employees requesting Critical Incident Relief.

6. Employee submits special claim utilizing code CIR.

Employees who fail to follow this process will not be compensated for CIR as a result of a critical incident.

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B. General Leave Information

To properly secure a leave of absence from work lasting 10 or more calendar days in duration, unless the collective bargaining agreement differs (15 or more calendar days for ATSF Coastline employees) or less than 10 days for invasive surgery, it is the employee's responsibility to ensure the steps below are followed and the Certification of Health Care Provider form is completed by the medical provider and faxed by the medical provider to the number on the form.

The employee is responsible for contacting their supervisor and the crew office to absent themselves from work until their application has been received, reviewed, and approved/denied.

Employees seeking to use MLOA or FMLA should note that while advance notice of the need for leave is preferred, it is understood that cannot always be done. However, in the event of an unexpected absence, the employee must notify the crew office as soon as practicable, which will generally be within two working days of the time off. Failure to request leave in a timely manner may result in the time off not being deemed FMLA or MLOA.

Note: If an employee has an emergency (due to hospitalization) and needs to take leave immediately, contact EmployeeServicesMLOA@BNSF.com. Employee may be placed on provisional leave while employee works with their treating provider to complete the Certification of Health Care Provider form within 15 calendar days.

Engaging in outside employment or volunteer work resembling outside employment during the term of the employee's leave is not permitted unless special written authority is granted.

Any questions pertaining to the Medical Leave of Absence (MLOA) process or Family and Medical Leave (FMLA) process should be directed to the employee's immediate supervisor, Director of Administration (DOA) or Employee Services.

Employee Services contact information for MLOA:
Email: EmployeeServicesMLOA@BNSF.com
Fax: 817-352-3852

Employee Services contact information for FMLA:
Email: EmpServHR@BNSF.com
Fax: 817-352-3672

All Other Leave Requests:
Email: PersonnelRecords@BNSF.com
Fax: 817-352-0970

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B1. Medical Leaves of Absence (MLOA) for Illness and Off-Duty, Non-Work Related Medical Conditions

For any Medical Leave of Absence, employees must access the myBNSFBenefits portal to initiate the request. Once on myBNSFbenefits.com locate and select the Time Off/Leave section, Medical Leave tile, apply for Medical Leave, and follow the instructions. Access to this tool will also be available on Workforce Hub.

Based upon the employee's FMLA eligibility, instructions will be presented to the employee with the appropriate Certification of Health Care Provider form to be completed by the employee's treating provider and faxed to the number located on the form.

The fully completed Certification of Health Care Provider form must be forwarded directly from the physician's office for review and must be received within 15 calendar days of initial request for leave. The fax number is located at the bottom of the certification form. The physician should be advised that incomplete forms will be returned and will delay the processing of the request. In addition, the physician should be encouraged to avoid the use of words such as "unknown" or "undetermined".

Employee Services reviews the Certification of Health Care Provider form within two business days of receipt. The employee requesting leave will receive notification in the employee's leave dashboard located in the FMLA and MLOA Application and Tracking System which is available on myBNSFbenefits.com portal.

It is important to review any letter or documentation available in the FMLA and MLOA Application and Tracking System. The employees' correspondence will contain instructions on returning to work or securing an extension to the employees' leave. Should an extension be necessary, it should be obtained prior to the expiration of the employee's current leave to allow time for their treating provider to complete and fax the Certification of Health Care Provider form.

Note: Time on medical leave will be designated and counted against your annual FMLA leave entitlement.

Medical Leaves FAQ's are located on myBNSFbenefits.com under the Time Off/Leave section.

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B2. On-Duty Injury Leave

For any On-Duty Injury Leave, employees must work with their division Field Manager, MEH to initiate a request for leave.

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B3. Return from Leave

Instructions for returning to service are provided along with a copy of the leave of absence approval and can also be accessed on the BNSF Portal. Locate the appropriate form for returning to service, complete, and follow instructions on where to send the completed form.

Note:

Employees who have not performed service in the last six months must see their supervisor prior to performing any service, as back-to-work requirements (GCOR testing, drug test, etc.) must be met before being allowed to mark up.

Returning to work following an Illness or Off-Duty
Non-Work Related Medical Condition

All employees are responsible to coordinate with their treating provider to ensure their personal medical conditions do not interfere with their ability to safely perform their duties. Employees who have been off work on an MLOA with a medical condition that may adversely affect their ability to work safely, as explained in the Return to Work Instructions, must be reviewed for fitness-for-duty by the Medical and Environmental Health Department (MEH) before returning to work.

Depending upon the duration of the leave and the type of medical condition, one of two return to work forms (Medical Status Long Form or Medical Status Short Form) must be completed prior to returning to work.

The return-to-work documents will accompany the employee's approval letter and may also be accessed in FTS, FMLA & MLOA Application and Tracking System.

* Or by contacting the employee's supervisor, Field Manager MEH, division Director of Administration (DOA) or Personnel Records.

Medical Status Long Form:

Employees returning to work from an MLOA following a medical condition that may adversely affect their ability to work safely or have been out more than 30 days must complete a Medical Status Long Form to have their condition reviewed to ensure they are able to perform their job duties safely. Return to work instructions contain examples of conditions that require review for fitness-for-duty. The fully completed and signed form must be faxed directly to the fax number located on the form. Do not send this form to BNSF leave administrator. This form can only be processed by BNSF Medical by faxing it to the number indicated on the form.

Medical Status Short Form:

Employees returning to work from an MLOA following a medical condition that does not affect their ability to work safely and have been off for 30 days or less must complete and sign the Medical Status Short Form. This form should be returned to the employee's supervisor, division Director of Administration (DOA) or Personnel Records prior to returning to duty.

Returning to work following an On-Duty Injury Leave

Employees must work with the appropriate Field Manager MEH. The Field Manager MEH will communicate that employee has been cleared to return to work through the Fitness for Duty Recommendation process.

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B4. Leave Extensions and Failure to Return

Employees are expected to mark up for duty by the end of their leave of absence. If for any reason an employee is unable to report for duty, the employee must request an extension prior to the expiration of their current leave.

Medical Leave of Absence Extensions:

To obtain a Medical Leave of Absence extension, the employee must access the FMLA and MLOA Tracking system, select "My Dashboard" and select the case that needs to be extended. The employee will then have the ability to request an extension. After requesting an extension, the employee will be presented with the appropriate Certification of Health Care Provider form to be completed by the employee's treating provider and faxed to the number located on the form.

On-Duty Injury Leave Extensions:

To obtain an On-Duty Injury Leave extension, the employee must work with their Field Manager MEH or provide Employee Services with a physician statement indicating that the employee is unable to perform service and include the estimated duration for the leave.

Should an extension not be necessary, employees are expected to report to duty on or before the expiration of their current leave. Failure to do so will subject the employee to consequences as outlined in the collective bargaining agreement and as outlined below.

Failure to Report for Duty by End Date of LOA

Failure to report for duty on or before the expiration date of the leave of absence, unless application for extension has been approved, will be considered absent without authority and may be grounds for termination.

Additionally for former road SLSF: If an employee is absent without leave in excess of 30 days, forfeiture of all seniority will occur in concurrence with schedule rule.

Additionally for former road HBT: If an employee fails to report for duty at the expiration of their written leave of absence, employee will forfeit all seniority in concurrence with schedule rule.

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B5. Family and Medical Leave (FMLA)

An employee will be eligible for FMLA if he or she has 12 months of employment with BNSF, currently an active employee and worked at least 1,250 hours during the preceding 12 months.

For any FMLA leave the employee must access the myBNSFBenefits portal to initiate the request. Once on myBNSFbenefits.com locate and select the Time Off/Leave section, FMLA tile, apply for FMLA, and follow the instructions. Access to this tool will also be available on Workforce Hub.

The fully completed Certification of Health Care Provider form must be forwarded directly from the physician's office for review and must be received within 15 calendar days of initial request for leave. The fax number is located at the bottom of the certification form. The physician should be advised that incomplete forms will be returned and will delay the processing of the request.

The employee requesting leave will receive notification in the employee's leave dashboard located in the FMLA and MLOA Application and Tracking System which is available on myBNSFbenefits.com portal. It is important to review any letter or documentation available on the employee's leave dashboard.

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B6. Military Leaves

Military Leave Process

In order to properly process a Special Operations military leave, a copy of the employee's orders and a recent leave and earnings statement (LES) must be faxed to 817-352-7453 or emailed to MilitaryLeaves@BNSF.com. Employee must contact the Military Leaves Administrator directly at 817-352-2034, as the Military Leaves Administrator (MLA) will submit the electronic leave of absence form on employee's behalf.

Employees will be given the opportunity to retain or cancel health & welfare coverage while on military leave. Should the employee's military orders be extended beyond the original end date, it is imperative that employee's contact the MLA to provide updated orders and a current LES to avoid disruption in pay and benefit coverage.

Military Pay

Make whole pay is the difference in earnings between the military and BNSF. If employee makes more in the military than at BNSF, then employee is not eligible to receive make whole pay.

Generally, make whole pay can be provided for the duration of Military Leaves for Overseas Contingency Operations (OCO) and can be provided for up to 25 calendar days per year. After 25 calendar days, a stipend of \$25 per day can be provided for Non-OCO Leaves.

To determine if employee is eligible and/or to claim make whole pay, please perform the following steps:

- * After employee has received their LES, submit a special ticket (1b claim) for CA 83 and note the ticket number. Note: Miles = the number of days employee is claiming for the make whole pay.
- * Employee must write the ticket number on their LES and fax it to 785-676-5186 or email it to FINDLTYEMilitary@BNSF.com.
- * Questions about make whole pay should be directed to a Compensation Specialist through the "Ask Comp Systems" on the BNSF Intranet, calling 785-676-5171, or via email to FINDLTYEMilitary@BNSF.com.

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B7. Personal Leave

Corporate Rule Unpaid Personal Leave of Absence Definition:

An unpaid Leave of Absence that is granted at the discretion of BNSF Railway for events including but not limited to, extreme family emergencies, catastrophic events, or other personal reasons. Personal Leaves of Absence do not include Leaves of Absence granted for a personal medical condition, FMLA Leave or Military Leave.

Employees may request in writing a formal leave of absence for circumstances of a long-term, personal nature. Personal leaves must be approved by the Division General Manager's office.

The approval notification must be sent to Personnel Records to process the electronic form.

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B8. Union Duty

Employees requiring leave for service as a union officer should submit an electronic form or email supporting documentation to PersonnelRecords@BNSF.com

GENERAL NOTICE(S) IN EFFECT

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| 255, 262-263, 265, 267, 269-271, 273-274, 276-280 |

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