

I'm Going on Medical Leave — What now?

FMLA vs BNSF Medical Leave of Absence: Should you choose to use the FMLA Act to take medical leave you will not be forced to use up vacation time although you may wish to do so. You will be forced to take personal leave days remaining. The railroad will still be able to require you to prove you are fit for duty to return to work. Also, by taking FMLA instead of a BNSF approved medical leave of absence, you will not be offered the ten days of light duty pay prior to returning to work. Time consumed during a medical leave of absence is counted against your 12 work weeks of unpaid FMLA time allowed by law.

401K: When going on a medical leave of absence there are several things to consider. If you plan on trying to cover some of your payroll deductions (FSA, Medical, Union Dues) with income from personal leave days or single day vacations you may want to stop any 401K deductions so that portion of your pay is retained to cover your other deductions. You can change or stop your deductions on the Vanguard website.

UNION DUES: Union dues are not required to be paid during a period of sickness so contact your Division ST prior to your leave so dues can be suspended. However, if you are a union officer or considering running for an office, remember that you must have paid continuous dues for two full years prior to an election to be eligible for an office. Those dues can be paid by check manually if you don't have sufficient payroll to cover the deductions.

FSA:

Health FSA Period of Coverage (from booklet with plan)

As long as you continue to work and make contributions the entire program year, your period of coverage for purposes of the Health FSA will extend from January 1, 2008 to December 31, 2008, *i.e.*, the entire program year. But your period of coverage may terminate early if you cease to work or don't work enough to make the FSA contributions.

BNSF will only make wage deductions and contributions, however, so long as you are earning sufficient wages to enable the appropriate wage deductions to be made in full.

If BNSF ceases to make wage deductions and contributions because you are not earning wages, you can elect to continue your coverage on a self-pay, after tax basis by sending your contributions directly to the Health FSA. United Healthcare will send you a bill letting you know how much you are required to pay and when payments are due. If you fail to make any required contribution on time, your period of coverage will terminate as of the first day for which no contribution was received. But if you make all of the required after-tax payments, and you begin earning wages again before the end of the program year, your employer will resume making pretax wage deductions and contributions, and your period of coverage will not terminate.

There are special rules applicable to persons who are on leave under the Family and Military Leave Act (FMLA). Your period of coverage will automatically continue during any period in which you are on FMLA leave, and you will not have to make self-pay contributions to

maintain coverage. But when you return to work, an additional deduction will be made from your wages to pay for coverage during the period of leave.

There are also special rules applicable to persons who are absent from their employment because of service in the military. If you are absent because of military service, and return to work before the end of the program year, your period of coverage will automatically resume, regardless of whether you elected self-pay or COBRA coverage or whether your coverage previously terminated.

See the letter that you will receive from UHC if you miss an FSA deduction at the following link: (HYPERLINK TO FSALETTER.PDF)

MEDICAL CO-PAY DEDUCTIONS: Medical co-pays deducted from your paycheck will continue to be deducted up to the full amount. If your paycheck is less than the full amount of the co-pay 100% of your paycheck will be deducted. Any amount not paid by deduction will be deducted later when you begin receiving regular paychecks.

VACATIONS: You may want to check with TY&E timekeeping to see how many days of qualifying days you currently have. It takes a total of 240 to qualify for a vacation for the next year. If it appears that you might not qualify you may want to consider trying to “sell” your vacation rather than take it because vacation days taken do not count towards qualifying for your next years vacation. Please talk to your Local Chairman about that process. If you do not really need the income from vacation to get by during your leave you may want to consider not using it during your leave. Every day of vacation or other company paid leave you take will may you ineligible for railroad retirement sickness benefits for those days.

MEDICAL INSURANCE: The United Healthcare medical coverage for BNSF employees who are disabled do to sickness or injury continues until the last day of the second calendar year after the year of your last compensated service. Your dependents health coverage will continue until the last day of the first calendar year after the year of your last compensated service. Coverage normally ends after the last day of the fourth month following the month in which you last rendered compensated service if you are furloughed, suspended or dismissed. For verification purposes you will receive a “proof of disability form” about 45 days into your leave which must be filled out by a doctor and sent in to UHC to continue your medical benefits under the two-year disability provisions. You may be able to use the proof of disability forms sent to the RRRT board instead of the UHC form if you call and confirm it is OK. This may save you the cost your physician may charge to fill out the UHC form. You may also receive a form asking for information about your injury from UHC or a service contracted to UHC about two months into the leave.

To see the letter you will receive regarding proof of disability and Cobra coverage go to this link: (HYPERLINK TO COBRA_PROOFOFDISABILITY.PDF)

To see the letter you may receive for additional injury information go to this link: (HYPERLINK TO INJURY_INFO_REQUEST_FORM.PDF)

RAILROAD RETIREMENT SICK BENEFITS: Any time you will be off and unpaid for illness or injury for more than 4 days in any 14 day period you fulfill the initial qualifications for RRRT sick benefits. The important thing to remember is that to qualify you must have at least 4 consecutive days of sickness plus a fifth day somewhere in the first 14 day period. During the qualifying 14 day period there is a 7 day waiting period. This means the most you will receive if all 14 days are claimed is 7 days of benefits. This 7 day waiting period is only applied once per benefit year (July 1st to June 30th.) Even though you may be off medical, if you receive pay such as vacation or personal leave, those paid days do not count as qualified sick days and they will also be deducted from the 14 day period.

Once you meet the qualification period, you will receive sign up sheets for each 14 day period following. You can get the booklet with sign up forms from the web site www.rrb.gov. Another thing to remember is that you can claim the first day you are off or the day(s) between the last day worked and the first day of your actual leave period if the day(s) are required to be off to make appointments, etc. After the initial 14 day qualifying period, sick benefits are paid for all days over 4 in the following two week periods. If you plan on taking Personal Leave pay, Vacation Pay or any other compensation during a 14 day period it does not matter whether it is taken on a week day or weekend day. All such days taken are deducted from the 10 day period that pays benefits.

Phone numbers:

BNSF Benefits Hotline: 817-593-6400 or Doris Zwadyk @ 913-551-2725

Email: doris.zwadyk@bnsf.com

TY&E Compensation Systems – Labor Relations: Joe Baxter @ 785-676-5170

Email: joe.baxter@bnsf.com