

**RULE 28 – BENEFITS**

- a. Health & Welfare Benefits, Early Retirement Major Medical Expense Benefits, Dental Benefits and Off-Track Vehicle Insurance will be allowed to qualified Passenger Engineers as provided in the following standard national policies or the equivalent thereof:

**Note:** The source for paragraph (a) is Rule 28 of the October 26, 1982 Agreement.

- b. The equivalent benefits provided under Rule 28 will be continued, subject to any changes resulting from the Arbitration Agreement dated May 19, 1986.

**Note:** The source for paragraph (b) is Article IX of the June 2, 1988 Agreement, and the reference is to the Award of Arbitration Board No. 458, involving the Brotherhood of Locomotive Engineers and the National Carriers' Conference Committee.

- c. It is agreed that the benefit levels and other health and welfare provisions, including, but not limited to, those relating to eligibility, delivery of medical services, cost-sharing, and cost containment, in the 1988 round of negotiations between the National Carriers' Conference Committee and the signatory organization will be applicable to this agreement except as provided below.

**Note:** The source for paragraph (c) is Article III of the August 3, 1992 Settlement in NMB Case No. A-12290. The exceptions contained therein can be found in Appendix "A".

- d. Amtrak will establish a 401(k) tax-deferred retirement savings plan for its eligible employees represented by the Organization, subject to the following provisions:

- 1. The plan will be effective July 1, 1994, or as soon thereafter as possible. Eligible employees may make contributions as provided in the Plan through payroll deduction.
- 2. An eligible employee is an active employee who has completed one year of service as defined in the Plan.
- 3. Participation in the Plan by any eligible employee shall be voluntary.
- 4. There will be no contributions to the Plan by Amtrak.
- 5. Amtrak will take such actions as may be prudent or required by law to maintain the tax qualified status of the Plan.

- e. Passenger Engineers will be governed by the terms of the Trauma Team Agreement signed on December 7, 1995, and of the Critical Assistance and Response for Employees ("CARE") Policy, as set forth in Appendix "F".

- f. BLE and Amtrak shall adopt and implement elements of the current Occupational Health/On-Duty Injury Project, designed to deliver quality, more cost effective medical care and rehabilitation services. The parties further agree to cooperate in the establishment of a joint union/management committee to review processes to facilitate employees returning work, as

may be further necessary. (See Appendix “G” for provisions of the “Right Care ... Day One” program, effective January 1, 2001.)

- g. Effective April 1, 2001, the dental plan benefits provided to full time employees are modified to include benefit changes contained in the 1996 National Agreements between the participating carriers represented by the National Carriers’ Conference Committee and the employees represented by BLE.
- h. Amtrak will establish a Vision Care Plan to provide specified vision care benefits to all full time employees covered by the Amtrak/BLE Agreement and their dependents, to become effective July 1, 2001, and to continue thereafter as part of the collective bargaining agreement and subject to provisions of the Railway Labor Act, as amended, with benefit levels no less than those contained in the 1996 National Agreements between participating carriers represented by the National Carriers’ Conference Committee and the employees represented by BLE.
- i. Effective April 1, 2001, the Dental Plan, AmPlan Medical Plan and Vision Care Plan are amended to provide that for an Eligible Employee (as defined in each respective Plan) to continue to be covered by the Plan during any calendar month by virtue of rendering compensated service or receiving vacation pay in the immediately preceding calendar month (the “qualifying month”), such employee must have rendered compensated service on, or received vacation pay for, an aggregate of at least seven (7) calendar days during the applicable qualifying month. Existing Plan provisions pertaining to eligibility for and termination of coverage not specifically amended by this paragraph shall continue in effect.

Eligibility criteria in effect on December 31, 1995, governing the plans referenced in this paragraph shall continue to apply to employees represented by the organization who hold positions as working General Chairmen, Local Chairmen, and State Legislative Board Chairmen (“local officials”). (Also see Rule 27, Q&A #3.) In other words, the changes in eligibility as set forth in this paragraph are not intended to revise eligibility conditions for local officials. It is further understood that by providing this exclusion it is not intended that the total number of such officials covered be expanded.

**Note:** Paragraphs (g) through (i) are adopted from the October 23, 2000 Letter of Understanding with respect to the “Right Care ... Day One” program. See Appendix “A” for coverage details.

- j. Effective January 1, 2002, pursuant to enactment of “The Railroad Retirement and Survivors’ Improvement Act of 2001,” P.L. 107-90, the AmPlan Early Retirement Major Medical Benefit Plan is amended, consistent with changes in the National Freight Early Retirement Major Medical Benefit Plan (GA-46000), (1) to provide that eligibility for Early Retirement Plan coverage will commence at age 60 rather than at age 61, and (2) to provide that the Early Retirement Plan Lifetime Maximum Benefits of \$75,000 will increase with the medical cost component of the CPI.