

Adoption and Surrogacy Leave Policy for Partners

Effective February 1, 2023

ArentFox Schiff (“the Firm”) has established an Adoption and Surrogacy Leave Policy that provides paid leave for Partners who become a new parent through adoption¹ or surrogacy^{2,3} in accordance with the provisions of this policy.

Adoption and Surrogacy Leave allows you to take paid time off to assist in your new child’s caretaking (child must be less than 18 years old). Note that upon conclusion of the Adoption and Surrogacy Leave, you also may apply for leave under the Firm’s Parental Leave Policy.

Eligibility

You are eligible to apply for Adoption and Surrogacy Leave if the qualifying event occurs after you have been affiliated with the Firm for 180 days and have an FTE of at least 80%.

Qualifying Events

Qualifying events for Adoption and Surrogacy Leave include becoming a new parent due to:

- Being newly matched with a child for adoption;
- Having agreed with the adoption agency or other qualified entity (such as U.S. Foster Care) that the child should be placed with you for adoption;
- Providing a matching certificate of evidence of your entitlement to adoption leave; or
- Becoming a new parent through a completed Valid Surrogacy Contract³.

¹ Adoption for purposes of this Policy is defined as a child under the age of 18 and who is not the child of a spouse or a partner.

² Surrogacy for purposes of this Policy is defined as gestational surrogacy--a process where a woman carries and delivers a child conceived of the egg and sperm of two other individuals and is therefore not biologically related to the child.

³ Gestational carriers who carry and deliver a baby for another couple or individual are not eligible for Adoption and Surrogacy Leave.

⁴ A Valid Surrogacy Contract is one that is legal in the U.S. state in which the parties enter into the surrogacy contract and is between the party who has agreed to become impregnated, carry and give birth to the child and the intended parent(s) of the child. Gestational carriers who carry and deliver a baby for another couple or individual are not eligible for Adoption and Surrogacy Leave. A Valid Surrogacy Contract will be “completed” when it results in the employee being recognized as the parent of the child on a birth certificate, court order of adoption, post-birth court order, or other court order recognizing the Partner’s parental rights under applicable law.

Leave Start Date

Adoption and Surrogacy Leave can begin, as outlined below:

- From the date of the child’s placement for adoption;
- From the date of the child’s birth for surrogacy; or
- From a fixed date, which can be up to 2 weeks before the expected date of placement or birth.

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Pay During Leave

Adoption and Surrogacy Leave is paid leave provided by the Firm. Partners will receive full compensation for the period of time the Partner is on Adoption and Surrogacy Leave.

Amount of Leave

Partners may take up to a total of eight (8) weeks of Adoption and Surrogacy Leave in a rolling 12-month period of time. For example, an individual who adopts a child and then later adopts another child will receive a total of 8 weeks of combined leave within applicable rolling 12-month period.

Please be aware that you will be entitled to only one period of leave irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Interaction with Parental Leave

New parents who welcome a child via adoption or surrogacy may take a Parental Leave of up to twelve (12) weeks. The Parental Leave period will generally begin upon conclusion of the Adoption and Surrogacy Leave.

All benefits will be paid in accordance with the applicable leave policy (e.g., Adoption and Surrogacy or Parental).

Time Limit for Use

Adoption and Surrogacy Leave entitlement expires 12 months after the adoption or surrogacy of the child. Any Adoption and Surrogacy Leave taken must be used within the 12 months subsequent to the adoption or surrogacy of the child.

Reporting Leave Taken

Partners should contact the Firm's Benefits Team to advise the team of the request for and period of Adoption and Surrogacy Leave.

Impact of Leave on Paid Time-Off and Benefits

Medical, Dental and Vision Benefits. The health care coverage in force for you and your dependents at the time of Adoption and Surrogacy Leave will continue during the period of your paid Adoption and Surrogacy Leave. Any contributions you normally make toward coverage costs will continue to be deducted from your pay while on Adoption and Surrogacy Leave.

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Life and Long Term Disability Insurance. Any elected coverage under the life and long term disability insurance plans will continue during the period of your Adoption and Surrogacy Leave. Regular payroll deductions for Life and/or Disability Insurance will continue to be taken from your pay while on Adoption and Surrogacy Leave.

Other Voluntary Benefits (Accident, Hospital, Critical Illness). Regular payroll deductions for these benefits will continue to be taken from your pay while on Adoption and Surrogacy Leave.

Flexible Spending Account. While you are on Adoption and Surrogacy Leave, you have the option to continue or to cease making contributions toward the Dependent Care Flexible Spending Account. You may only receive reimbursement for eligible expenditures incurred during periods in which you are contributing to the plan. If you return from leave within the same plan year, you may resume making contributions.

Retirement Plan Participation. If you are a participant in the Firm's retirement plans you may continue to make contributions during your paid Adoption and Surrogacy Leave. These payments will be deducted from your pay while on leave.

Loan Repayments. During your Adoption and Surrogacy Leave, you will need to continue making payments on any retirement loans according to the amortization schedule.

Requesting an Adoption and Surrogacy Leave

Notice. Please notify your Practice Group Leader and the Benefits Team within 30 days of your need to take leave of absence for a foreseeable event. In situations where advance notice is not practicable, notify the Firm as soon as possible. "As soon as possible" would ordinarily mean verbal notice to the Firm within two (2) business days and subsequent submission of the appropriate documentation.

Note that if you are also requesting Parental Leave, you may provide notice for these leaves at the same time you notify the Firm of your need for Adoption and Surrogacy Leave.

Modification or Termination

The Firm regularly reviews its benefits and reserves the right to modify or terminate this policy at any time.

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