

## **Parental Leave Policy for Partners**

### **Effective February 1, 2023**

ArentFox Schiff (the “Firm”) has established a Parental Leave Policy that provides its Partners with paid leave relative to the birth, adoption<sup>1</sup>, placement<sup>2</sup>, or surrogacy<sup>3,4</sup> of a child in accordance with the provisions of this policy.

Parental Leave allows you to take time to welcome your new child into your home, to bond with your child and to assist with his or her caretaking.

### **Eligibility**

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

### **Qualifying Events**

Qualifying events for Parental Leave include becoming a new parent due to the:

- birth;
- adoption;
- placement (temporary or permanent); or
- completion of a Valid Surrogacy Contract<sup>5</sup>.

<sup>1</sup> 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.

<sup>2</sup> Placement for purposes of this Policy is defined as foster care placement of a child on either temporary or permanent basis with a person who is not the child’s relative, parent or guardian and who is willing to undertake the care and maintenance of the child.

<sup>3</sup> 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.

<sup>4</sup> Gestational carriers who carry and deliver a baby for another couple or individual are not eligible for Parental Leave.

<sup>5</sup> 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 Partner 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**

Parental Leave may begin after the expiration of the period of disability for childbirth or Adoption and Surrogacy Leave, as appropriate and subject to the provisions of the Time Limit for Use section.

### **Pay During Leave**

Parental Leave is paid leave provided by the Firm. Partners will receive full compensation for the period of time that the Partner is on a Parental Leave.

### **Amount of Leave**

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

### **Interaction with Disability Period and Adoption and Surrogacy Leave**

New mothers who experience childbirth are generally granted compensation continuation for a period of disability following birth of eight (8) weeks (unless a medical condition requires an additional period of disability). In most cases, the Parental Leave period will begin upon conclusion of the disability period.

New parents who welcome a child via adoption or surrogacy may take an Adoption and Surrogacy Leave of up to eight (8) 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 ArentFox Schiff Partnership Agreement or applicable leave policy (e.g., Adoption and Surrogacy, or Parental).

### **Time Limit for Use**

Parental Leave entitlement expires 12 months after the birth, adoption, placement or surrogacy of the child. Any Parental Leave taken must be used within the 12 months subsequent to the birth, adoption, placement 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 Parental Leave.

## Extension of Leave

Upon conclusion of the Firm-paid Parental Leave, you may extend your period of absence on an unpaid basis in accordance with permission from the Chief Legal Talent Officer and the Firm-wide Managing Partner. Please note that if you have an unpaid period of leave, there may be an impact on your benefits, as discussed in the Impact section below.

## Impact of Leave on Benefits

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

Life and Long Term Disability Benefits. Any elected coverage under the life and long term disability insurance plans will continue during the period of your paid Parental Leave. Extensions of leave beyond 180 days could result in a gap of coverage. Should this occur, you will be re-instated upon return from leave with no wait period or requirement of evidence of insurability. Regular payroll deductions for Life Insurance or Disability Insurance will continue to be taken from your pay while on Parental Leave.

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

Flexible Spending Accounts. While you are on paid Parental 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 Parental Leave.

Loan Repayments. During your Parental leave, you will need to continue making payments on any retirement loans according to the amortization schedule. These payments will be deducted from your pay while on leave.

Unpaid Leave. In the event you extend your period of leave from the Firm on an unpaid basis, you will be responsible for paying the applicable cost of coverage to the Firm while on leave. There also may be benefits implications depending on the length of your absence. Please contact the Benefits Team for more information prior to taking an unpaid leave of absence.

## Requesting a Parental 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.

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

### **Federal, State or Jurisdictional Family and Medical Leave or Paid Family Leave**

As self-employed individuals and members of the partnership, partners are not considered employees of ArentFox Schiff LLP. Accordingly, partners are not eligible for federal and/or state family and medical leave. Partners residing in states or jurisdictions with paid family leave programs, such as California, Massachusetts, New York or Washington, DC, are also not eligible for such paid family leave and related benefit payments, unless the partner has opted into the applicable program and satisfied all program requirements. Any opt in to paid family leave programs, related coverage cost and subsequent claims for benefits are the responsibility of the partner and not the Firm.

### **Modification or Termination**

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

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