

Adoption and Surrogacy Leave Policy

Effective January 1, 2024

ArentFox Schiff (“the Firm”) has established an Adoption and Surrogacy Leave Policy that provides paid leave for employees 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 successfully completed 180 days of service with the Firm and you are:

- a full-time regular employee; or
- a regular employee with reduced hours working at least 28 hours per week.

Determining Length of Service

Continuous service as a regular employee with the Firm (as defined by the Firm) counts toward length of service.

For those with a previous employment period with the Firm, if the absence was two years or less, the prior employment period counts towards length of service. If the absence was greater than two years, the prior employment period will not count towards length of service.

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.

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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 employee’s parental rights under applicable law.

Pay During Leave

Adoption and Surrogacy Leave is paid leave provided by the Firm. The percentage of pay received depends on length of service and classification, as outlined below.

Length of Service	Percentage of Pay
180 days or less	0%
181 days and longer	100%

Amount of Leave

Employees 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. The potential disruption of workloads and the effect on others in the department will be considered when reviewing requests for Adoption and Surrogacy Leave.

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Time Basis for Leave

Adoption and Surrogacy Leave that begins in the 2-week period prior to the child's placement or birth may be taken on a continuous or intermittent basis. Intermittent leave must be taken in 1-day increments.

Adoption and Surrogacy Leave that begins on or after the child's placement or birth is available on a continuous basis or in blocks of time. Each block of time must be at least four (4) weeks.

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
- from a fixed date, which can be up to 2 weeks before the expected date of placement or birth.

Reporting Leave Taken

Employees must contact the Firm's Benefits Team to advise the team of the request for and period of Adoption and Surrogacy Leave. Leave needs to be reported promptly to our third party leave administrator, The Standard, to ensure continuation of pay in a timely manner.

In cases of adoption, within seven days of being notified that you have been matched with a child for adoption, you should give written notice to the Benefits Team of the following:

- the date you were notified of being matched with a child;
- the date the child is expected to be placed with you; and
- the date on which you want your leave to start.

Leave FLEX Program - Ramp Down/Ramp Up Period (For Non-Partner Attorneys Only)

This program provides eligible individuals who take a foreseeable Parental or Disability Leave of at least one month with a reduction in their work schedule both prior to and after returning from leave. For more information, refer to the ArentFox Schiff Leave FLEX Program document.

Coordination with Federal, State or Jurisdictional Family and Medical Leave or Paid Family Leave

The Firm shall administer this Adoption and Surrogacy Leave policy in a manner consistent with applicable federal, state or local law governing leaves. All Firm-provided Adoption and Surrogacy Leaves will run concurrent with leave available under both the federal FMLA and any applicable state or jurisdiction family and medical leave law, provided that the reason for the Firm-provided

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leave is a qualifying reason under FMLA and/or any applicable state or jurisdiction family and medical leave law. In the event an individual applies for and receives paid leave from a state or jurisdiction, the amount paid by the Firm will be offset by amounts received from the state or jurisdiction, subject to applicable state or jurisdictional regulations regarding offsets. Employees are required to apply for any available paid leave available to them from a state or jurisdiction in connection with requesting paid leave from the Firm. For leaves to run concurrently, the individuals must meet the eligibility requirement for the federal, state or jurisdictional leave.

Impact of Leave on Paid Time-Off and Benefits

Paid Time Off. Employees on Adoption and Surrogacy Leave will not accrue sick or vacation leave or annual leave, as applicable.

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 periods covered under FMLA and applicable state laws or approved paid leave through the Firm, including 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.

Group Basic Life and Long Term Disability Insurance. The Firm will continue to provide coverage under the life and long term disability insurance plans during periods covered under FMLA and applicable state laws or approved paid leave through the Firm. Extensions of leave beyond this time could result in a gap of coverage. Should this occur, you will be re-instated upon return to active duty with no wait period or requirement of evidence of insurability. Regular payroll deductions for Supplemental Life Insurance or Individual 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 Accounts. While you are on Adoption and Surrogacy Leave, you have the option to continue or to cease making contributions toward the flexible spending accounts. 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 401(k) Plan you may continue the same salary deferral percent 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.

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Requesting an Adoption and Surrogacy Leave

Notice. Please notify your Manager/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.

Initiating a Request for Leave. When you provide notice to the Benefits Team, a Team member will outline and assist you with the leave process. That process will include contacting The Standard, the Firm’s third-party leave administrator, and also providing documentation to substantiate your need for leave.

Certification and Documentation. You must provide certification or documentation to substantiate your need for leave. The Benefits Team will advise you of the information required and the timeframe in which to return the information so that the leave request may be reviewed. There is time sensitivity surrounding providing the necessary information (generally 15 days) so we ask that you follow the process in a timely manner. Doing so will help to ensure that your leave is reviewed and that you minimize any period of time for which you may be unpaid while your leave request is being reviewed.

Periodic Reporting. While on leave, please provide periodic reports on your status and return to work date to both the Benefits Team and your Manager/Practice Group Leader. If possible, please advise the Firm at least five (5) days prior to your return to work date.

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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