



Leaves of Absence At Adobe (U.S.)

FAMILY AND MEDICAL LEAVE ACT

Adobe offers leave time to all employees in compliance with the federal Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and any other state and local leave laws as applicable. FMLA is a federal law that provides eligible employees with time to take unpaid leaves for specified family and medical situations, including for their own serious health condition, and simultaneously provides certain job and benefits protections during that leave. CFRA is a California state law that is similar in many ways to FMLA. If the law of a state provides greater or different leave rights than are stated here, Adobe will comply with applicable state law requirements for employees in that state and provide supplemental information outlining state-specific rights and responsibilities.

Adobe's leave provisions apply to both FMLA and CFRA or other state leave laws. In the instances where CFRA or another state's leave laws differs from FMLA, and employees have different options, the different provisions will be noted. CFRA and other state-protected leaves will run concurrently with FMLA-protected leaves, unless otherwise required by law. Employees can contact Lincoln Financial, Adobe's Benefits Administrator, at 800- 873-5476 for specific information regarding their state's leave laws.

Eligibility

You are eligible to request an FMLA/CFRA protected leave if you:

- Are a regular full-time or part-time employee;
- have been employed by Adobe for at least 12 months (not necessarily consecutive months);
- have completed at least 1,250 hours of work within the 12 consecutive months immediately before the first day of the requested leave

If eligible, you may request FMLA/CFRA leave for the following situations:

- Qualifying Paid Parental Leave: For the addition of a new child to your household, whether by birth or placement (adoption, foster care, or other custody);
- Medical Disability Leave: For your own serious health condition, including pregnancy, childbirth, or related conditions;
- Family Care Leave: To care for an immediate family member with a "serious health condition;"
- Military Family Leave: To address exigencies that arise when an immediate family member is on active duty or has been notified of an impending call to active duty in a foreign country, or to care for an immediate family member or next of kin who sustained or aggravated a serious injury or illness in the line of duty.

Note that all these leaves will run concurrently under FMLA, CFRA or other state leave laws, and Adobe's leave programs unless otherwise required by law.

Definitions

Continuing treatment: Subject to certain conditions, continuing treatment may consist of a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider, or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Immediate family member (FMLA): your spouse (including common law and same-sex marriage spouses); your child or your spouse's child (including biological, adoptive, foster, and step child as well as legal wards and a child of an employee who stands *in loco parentis* to the child, who are minors under 18 years old or children over 18 and incapable of self-care because of a mental or physical disability); or your parent (biological, step, foster, adoptive, legal guardian, or *in loco parentis*).

Immediate family member (CFRA): includes the family members listed under the FMLA immediate family member definition above, as well as: your parent-in-law (the parent of your spouse or domestic partner); your domestic partner; your child of any age (including biological, adoptive, foster, and step child as well as legal wards and a child of an employee who stands *in loco parentis* to the child); your domestic partner's child; your grandparent; your grandchild; your sibling; or your Designated Person (as defined below).

CFRA leave covers more family members than FMLA leave. For many types of family leave, FMLA and CFRA run concurrently. For example, if you are eligible for CFRA and FMLA leave, and use 12 weeks of leave to care for your seriously ill spouse, CFRA and FMLA will run concurrently, and you will exhaust all of your available family leave for that 12-month period.

However, when leave is to care for your: domestic partner, domestic partner's parent or child, spouse's parent, parent's domestic partner, grandparent, grandchild, sibling, Designated Person, or child over 18 (unless the child is incapable of self-care due to mental or physical disability), your CFRA leave will not count against your entitlement for leave under FMLA. For example, if you are eligible for CFRA and FMLA leave, and use 12 weeks of CFRA leave to care for a grandparent, and then one month later (within the same 12 month period) you need additional leave for your seriously ill spouse, even though your CFRA leave is expired you would have up to 12 weeks of FMLA leave available for use.

Designated person (CFRA): means any individual related by blood or whose association with you is the equivalent of a family relationship and is identified and designated by you prior to or at the time of the request for leave to care for such individual. You may only designate one person per 12-month period.

Serious health condition: An injury, illness, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents you from performing the functions of your job, or prevents the qualified family member from participating in school or other daily activities.

For military-related leaves:

- *Qualifying exigencies*: Issues that arise when a service member is deployed, such as attending military sponsored functions, making appropriate financial and legal arrangements, arranging for alternative childcare, or attending certain counseling sessions and post-deployment reintegration briefings.
- *Serious injury or illness in the line of duty*: An injury or illness incurred in the line of duty in Armed Forces, including the Reserves or the National Guard, that may render the covered service member medically unfit to perform the duties of his or her office, grade, rank or rating and necessitate medical treatment, recuperation, or therapy, outpatient status, or placement on the temporary disability retired list.
- *Covered service member*: A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.
- *Covered veteran*: An individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Guidelines

You will not be required to perform any work for Adobe while on a protected leave. The amount of FMLA/CFRA protected leave time available to you is generally 12 weeks over a 12 month period. The 12-month period is a rolling period measured backward from the date you start any leave under this policy. Each time you take any FMLA/CFRA leave, the leave entitlement will be any balance of the 12 weeks that was not already used in the immediately preceding 12 months.

Once you begin to take FMLA/CFRA leave, Adobe counts all of the time off for the same purpose (or any other qualifying purpose) toward the FMLA/CFRA allotment.¹ This includes any FMLA/CFRA protected Medical Leaves you may take for your own serious health condition. However, Adobe makes Medical Leave available regardless of whether you are eligible for a leave of absence under FMLA, CFRA or other statutory disability leave laws, or even if you have exhausted a statutory leave of absence. Please see the Medical Leave policy for details. The first 12 weeks of your Medical Leave will be counted as, and run concurrently with, FMLA/CFRA. Further, qualified employees are entitled to take up to 26 weeks of leave to care a covered service member.

In addition, Adobe makes Parental Leave available to employees even if they would have otherwise exhausted FMLA leave due to pregnancy disability. The first 12 weeks of this Parental Leave will be counted as, and run concurrently with, FMLA or state leave laws as permitted. Please see the Parental Leave policy for details.

SPECIAL NOTICE TO CALIFORNIA EMPLOYEES REGARDING PREGNANCY DISABILITY LEAVE (“PDL”)

Under California law, all employees who are disabled on account of pregnancy, childbirth or related medical conditions are entitled to an unpaid leave of absence for the period of disability, up to a maximum of four months, or 88 working days for a full-time employee (per pregnancy). Time off needed for prenatal care, severe morning sickness, doctor ordered bed rest, childbirth and recovery from childbirth will be counted against your PDL entitlement. PDL may be taken intermittently, continuously, or both. For California employees taking Parental Leave to bond with a newborn after a California Pregnancy Disability Leave (PDL), the PDL time will not be subtracted from the available CFRA time. For all employees, including those outside of California, time off for any pregnancy-related disability, up to a maximum of four months or 88 working days, will not count against eligibility and entitlement for the Parental Leave benefits. However, the first 12 workweeks of pregnancy disability leave will be treated concurrently as a leave pursuant to FMLA for all eligible employees.

SPECIAL NOTICE TO WASHINGTON EMPLOYEES REGARDING THE PREGNANCY DISABILITY REGULATION (“PDR”)

Under Washington law, a female employee is entitled to leave for any period of time that she is sick or temporarily disabled because of pregnancy or childbirth. This leave is in addition to the 12 weeks of leave for which you may be eligible under the FMLA but will run concurrently with any available FMLA leave entitlement. You are eligible for unpaid pregnancy disability leave if you have an illness or temporary disability relating to pregnancy or childbirth, for as long as you are sick or disabled.

Available Pay

FMLA/CFRA leave time is unpaid time off. However, you may be eligible for company-paid time off and/or state provided wage-replacement for the following types of leave:

- Parental Leave (including maternity leave benefits): See Parental Leave Policy
- Medical Disability Leave (including pregnancy and childbirth): See Medical Disability Leave Policy
- Family Care Leave (including military-related family leave): See Family Care Leave Policy

Benefits

While on a FMLA/CFRA Leave, you will maintain the same benefits coverage you have as an active employee (subject to plan provisions), as long as you continue to make the normal contributions for coverage for the full duration of the leave. If these contributions are not paid during the leave, Adobe has the right to terminate coverage or collect the contributions you fail to make after you return to work. If you do not return from a leave and have not paid benefits contributions during the leave, these contributions may be deducted from any money due to you upon termination, unless otherwise required by applicable law.

Refer to the charts in the section titled [Rewards Impact During A Leave of Absence](#) for detailed information about benefits while on a specific leave of absence.

Duration

FMLA/CFRA protected family and medical leave generally begins on the first day that you are needed to care for your own serious medical condition or that of an immediate family member, or the date requested by you in the case of the addition of a child to your household, and ends when you are able to return to work or after a total of 12 weeks of leave in a 12 month period, whichever occurs first. FMLA entitlement is calculated looking back at the previous rolling 12 months. When calculating an employee's available FMLA leave, the employee's remaining available balance is 12 weeks minus whatever portion of FMLA leave the employee used during the 12 months *preceding* the start of the current leave. You may take leave intermittently (in blocks of time, or by reducing your normal weekly or daily work schedule) if the leave is for your own serious health condition or the serious health condition of an immediate family member, and if the intermittent leave schedule is medically necessary as determined by your health care provider or the health care provider of the person with the serious health condition. The health care provider must certify the need for intermittent time off, and the starting and ending dates of the intermittent leave period. Adobe may temporarily transfer you to an alternate position to better accommodate an intermittent leave schedule.

Any leave taken under CFRA for baby bonding will be granted in minimum amounts of two weeks. However, Adobe may grant a request for CFRA leave for baby bonding of less than two week's duration on any two occasions. Any unpaid FMLA/CFRA leave taken for the birth or placement of a child in your household must be concluded within one year of such event. Please note, where applicable, FMLA/CFRA leave for these purposes will run concurrently with any applicable leave under Adobe's Parental Leave, which may provide greater or lesser benefits than are available under this provision.

¹ The annual Company break period, if a complete week in duration, is not counted toward the 12-week period. In addition, if a holiday falls during a week in which you are taking a week of FMLA/CFRA leave, the holiday is counted against FMLA/CFRA leave, unless you are taking less than a full week of leave.

Leave Process Flow

Lincoln Financial is Adobe's leave administrator for leaves (including Parental, Medical and Family Care Leave). You must request your leave with Lincoln Financial and timely provide any documentation requested in support your leave. You may submit a request for leave at <http://www.mylincolnportal.com>, claimant services ID: ADOBELOA or by calling a Lincoln Leave Specialist at 1-800-459-3772.

Initiating a Leave of Absence

You must request a planned leave at least 30 days before the leave begins. If the need for leave is not foreseeable, you must request the leave as far in advance as reasonably practical (generally the same day or next day after you became aware of the need for leave). If it is an emergency, you (or a representative) must notify your manager or the **Employee Resource Center** (1-408-536-4357 / erc@adobe.com) as soon as practical, (if practical, not later than the normal start of your work day), and submit your request for leave to Lincoln as soon as possible.

You must provide sufficient information to make Lincoln and Adobe aware that you may qualify for leave, and of the duration of the leave. Sufficient information may include notice that a family member is unable to perform daily activities, a need exists for hospitalization or continuing treatment by a health care provider, or other circumstances supporting the need for leave. You must also inform Lincoln if leave is sought for a reason for which leave was previously taken or certified pursuant to FMLA/CFRA. You do not, however, need to provide more information than is necessary to show you qualify for a leave. Adobe respects your right to privacy and does not want more information than necessary.

Once your leave request is initiated, you will receive a notice of eligibility from Lincoln, which may include additional instructions and forms that you will need to complete. If the leave is for your own serious health condition, or to care for a seriously ill family member, medical certification will be required. It is your responsibility to timely provide this certification if you wish to be considered for a leave.

If you are eligible, Lincoln will outline your rights and responsibilities, specify any additional information required, provide instructions on how to apply for any additional state benefits as applicable, and inform you of the amount of leave to be counted against your leave entitlement. If you meet the eligibility requirements for a leave request, you will need to discuss the length of the leave (and frequency if it is an intermittent leave) with your manager. If you are not eligible, you will be notified and Lincoln will explain why you are ineligible. If you are ineligible for a FMLA/CFRA leave, you may still be eligible for personal leave, including an unpaid leave as a reasonable accommodation.

Return to Work and Reinstatement

When you complete a leave protected by FMLA/CFRA, Adobe will reinstate you to the same or comparable position at the end of the leave in accordance with applicable law. Employees who take a FMLA/CFRA protected leave have no greater right to reinstatement or to other benefits and conditions of employment than if they had been continuously employed during the leave period. For example, if you are on an FMLA/CFRA protected leave and your position is eliminated as part of a reduction in force, your employment may be terminated on the scheduled reduction in force date even if you have not exhausted all available FMLA/CFRA protected leave time.

You should contact Lincoln Financial no later than 5 workdays prior to the scheduled end date of the leave to confirm your scheduled return to work date. If your return to work date changes, you must notify Lincoln of the new return to work date as soon as possible. Absent extraordinary circumstances, you should generally notify Lincoln at least 5 workdays prior to the scheduled return to work date. Additional documentation and certification may also be required. Failure to return within three days of the specified return to work date, accepting other employment (including self-employment) for compensation while on leave, or falsifying any information about the leave, including dates and reasons for the leave, will be considered grounds for termination. This provision does not limit incidental or *de minimis* compensation during a protected leave.