



Adobe

## Medical Leave

Adobe offers Medical Leave to employees who need to take time off work longer than five consecutive business days<sup>1</sup> due to their own serious health condition (including pregnancy disability and postpartum recovery). You may be eligible for this leave regardless of whether or not you are eligible for a leave of absence under FMLA, CFRA or other state statutory disability leave laws, or if you have exhausted a statutory leave of absence. Medical Leaves are provided in coordination with Adobe's Short Term Disability ("STD"), Voluntary Disability Insurance ("VDI") and Long Term Disability ("LTD") plans. You must meet the eligibility requirements for STD and/or LTD to be eligible for Adobe's Medical Leave.<sup>2</sup> Please refer to the applicable Summary Plan Description (SPD) for more information about Adobe's STD and LTD programs. VDI is described in the Voluntary Disability Statement of Coverage. The first 12 weeks of your Medical Leave will be counted as, and run concurrently with, FMLA and CFRA or other state leaves (provided you are eligible for such leaves).

### Eligibility

You are eligible for Medical Leave for up to 12 months if you are an Adobe employee regularly scheduled to work at least 24 hours per week, starting with the first day of active work, and you meet the eligibility requirements of Adobe's STD and/or LTD programs. If you do not meet the eligibility requirements of the STD and/or LTD programs, you may be placed on a Personal Leave of Absence as a form of reasonable accommodation if additional time off is requested. *(If you are regularly scheduled to work less than 24 hours per week, and meet the STD requirements, you are also eligible for Medical Leave; however, the maximum amount of leave available is 120 days, except as required in the case of a reasonable accommodation for a qualified individual with a disability.)*<sup>3</sup>

### Guidelines

Adobe offers a variety of plans in case you become disabled and are unable to work. Different types of benefits are subject to different tax rules. Be sure to consult a tax advisor about the implications of utilizing the below benefits:

- Sick Time
- The Short-Term Disability Plan ("STD")
- State Disability Insurance ("SDI")<sup>4</sup>
- Voluntary Disability Insurance ("VDI")
- Paid Family Leave ("PFL", in states where applicable)<sup>5</sup>
- Long-Term Disability Plan ("LTD")
- Workers' Compensation

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<sup>1</sup> You use Sick Time (exempt employees) or PTO (non-exempt employees) during the first five days of absence. Sick Time is paid at base salary for all employees, including commissioned employees, per the Sick Time policy. If no accrued time is available you can borrow Sick Time or PTO, up to the maximum 40 borrowed hours; otherwise, your time off will be unpaid.

<sup>2</sup> You may still be eligible for unpaid FMLA/CFRA leave if you need to take time off work for three or more consecutive business days, even if you do not qualify for Adobe's STD/VDI, provided you meet the requirements for FMLA/CFRA leave.

<sup>3</sup> This leave is coordinated with Adobe's VDI/STD benefits as applicable. Other provisions of your leave will generally be administered as described here. If you have any questions, however, regarding the provisions of a medical leave for employees who work less than 24 hours per week, you should contact the Employee Resource Center.

<sup>4</sup> You must apply with your state entity to receive your full income replacement benefit, with the following exceptions: CA employees covered by the Adobe Voluntary Disability Plan (VDI) and NY, HI and NJ employees as Liberty administers the VDI plan, the NY DBL plan, the State plan for HI and the NJ State plan.

<sup>5</sup> PFL is a component of VDI so California employees who are VDI participants only need to apply through Liberty to access PFL benefits. California employees who opted out of VDI will need to apply for this benefit with the CA EDD. New Jersey employees will need to apply for this benefit with the NJ LWD. Rhode Island employees will need to apply for this benefit with the state of Rhode Island's Temporary Caregiver Insurance Program (TCI).

In general, your time off under the Sick Time/PTO, VDI /STD programs runs concurrently with FMLA/CFRA Leave. Refer to the SPD for further STD and LTD information. Refer to the Voluntary Disability Insurance Statement of Coverage for more information about VDI.

### Medical Certification

You will need to promptly provide a medical certification of the need for leave to Liberty Mutual, Adobe's leave administrator. Generally, you should provide the certification within 15 days of being requested. You must provide written certification from a health care provider which states:

- The date of commencement of the serious health condition;
- The probable duration of the condition and the necessary duration of the leave;
- Information sufficient to establish that you have a serious health condition; and
- Information sufficient to establish that you cannot perform the essential functions of the job as well as the nature of any other work restrictions and the likely duration of such inability.

Liberty may also require re-certification from the health care provider if additional leave is requested.

To the extent that limitations or restrictions prevent you from performing some or all of the essential functions of your job, reasonable accommodations, including a temporary modified schedule or duties, may be requested and approved. However, your health care provider will be required to submit an evaluation of your status, including your job related restrictions and their estimated duration and any recommended reasonable accommodations that will help you perform your job duties to enable Adobe to evaluate possible accommodations. Adobe will engage in an interactive process with you concerning your accommodation request and will determine if appropriate reasonable accommodation(s) can be provided to you.

If your healthcare provider releases you to return to work on a temporary or part-time basis, he or she must certify both the number of hours you may work each day and the total number of hours you may work in a week. An **Employee Resource Center Consultant** will work with you, your health care provider and your manager to determine what is appropriate and reasonable and whether Adobe can make a suggested accommodation available while meeting its business needs, or whether there may be other alternatives. Any reasonable accommodation provided will be reviewed by Adobe periodically.

Please contact the **Employee Resource Center** (1-408-536-4357 / [erc@adobe.com](mailto:erc@adobe.com)) to request an evaluation form as soon as you or your health care provider believes an accommodation may be needed.

### Available Pay

Certain Adobe and other state programs may provide income replacement if you become disabled (including pregnancy disability and postpartum recovery) and are unable to work. Income replacement may be provided through the following plans:

The following table outlines how benefits are paid.

If your Liberty-approved injury/illness is <i>not</i> work-related, you will receive the following pay:		
	Weeks 1 through 10	Week 11 through 120 <sup>th</sup> Day of Disability
You will receive...	100% of your eligible pay	66 <sup>2</sup> / <sub>3</sub> % of your eligible pay
These benefits are provided through...	<ul style="list-style-type: none"> <li>• Week 1: Sick Time/PTO – if no time is available you may borrow it up to the 40 hours allowed; otherwise unpaid</li> <li>• Weeks 2-10: VDI/STD</li> <li>• Any SDI benefits you are eligible to receive will be deducted from your benefit payment</li> <li>• STD payments are subject to taxes</li> </ul>	<ul style="list-style-type: none"> <li>• VDI/STD</li> <li>• Any SDI benefits you are eligible to receive will be deducted from your benefit payment</li> <li>• STD payments are subject to taxes</li> </ul>

If your Liberty Life-approved injury/illness is work-related, you will receive the following pay:		
	Weeks 1 through 10	Week 11 through 120 <sup>th</sup> Day of Disability
You will receive...	100% of your eligible pay	66 <sup>2</sup> / <sub>3</sub> % of your eligible pay
These benefits are provided through...	<ul style="list-style-type: none"> <li>Days 1-3: Sick Time/PTO – if no time is available you may borrow it up to the 40 hours allowed; otherwise unpaid</li> <li>Day 4 through Week 10: VDI/STD</li> <li>Any Workers' Compensation benefits you are eligible to receive will be deducted from your benefit payment</li> <li>STD payments are subject to taxes</li> </ul>	<ul style="list-style-type: none"> <li>VDI/STD</li> <li>Any Workers' Compensation benefits you are eligible to receive will be deducted from your benefit payment</li> <li>STD payments are subject to taxes</li> </ul>

For absences exceeding 120 days, refer to the SPD for information about the LTD plan. LTD benefits are also coordinated with State Disability Insurance or Workers' Compensation where applicable.

If you take multiple leaves and Liberty determines it is for the same disability you will not be required to meet the waiting period again for STD/LTD benefits for subsequent leave.

### Eligible Pay for Voluntary Disability Insurance (VDI), Short Term Disability (STD) and Long Term Disability (LTD) Benefits

Benefits are based on your pre-disability pay. For purposes of these benefits, here is how pay is determined:

- For non-commissioned employees, eligible pay for VDI, STD and LTD benefit purposes is defined as your normal pre-disability base pay. It does not include bonus payments, overtime or other extra compensation.
- For commissioned employees, eligible pay for VDI, STD and LTD is defined as your pre-disability total target compensation ("TTC"). Note however that the first one week of your Medical Leave will be paid at base salary per the Sick Time policy (exempt) or Personal Time Off policy (non-exempt).

Any VDI or STD benefits you are eligible to receive will be paid to you by Liberty. Once Liberty receives satisfactory proof of your disability claim, it will begin paying you benefits through weekly checks sent by U.S. Mail. (Direct deposit option available.) Refer to the SPD for additional details about the STD plan.

### Duration

Your Medical Leave begins the date your health care provider certifies you are no longer able to work, according to the procedures in place with Liberty. For details on how your STD or LTD benefits work, see the SPD. For more information about VDI, refer to the Voluntary Disability Insurance Statement of Coverage. For information on how your employment is impacted while on a Medical Leave please see below.

You may be out on a Medical Leave for as long as is medically necessary, as certified by your physician. If you exhaust all protected leaves, Adobe will make every effort to provide you with an unpaid leave of absence as a reasonable accommodation, so long as the leave does not represent an undue burden for the business. Generally, leaves longer than 12 consecutive months from the onset of your disability, or 12 aggregate months from the onset of a single recurrent disability or concurrent disabilities will create an undue burden on Adobe. Multiple periods of leave will count toward the 12 aggregate months, if they are separated by a return to work of less than 60 days, whether the disability leaves are due to related or unrelated causes. Adobe will analyze each request for a reasonable accommodation for a medical condition based on the individual circumstances.

If you have not returned to work at the end of your leave, or your continuing leave will create an undue burden on the business, your employment with Adobe will terminate.

Your employment with Adobe will end earlier if:

- Do not file for STD/VDI at least 30 days in advance of your planned leave, or fail to file as soon as practicable based on your medical condition.
- Do not file for LTD benefits within 30 days of the end of the 120-day elimination period, or fail to file as soon as practicable based on your medical condition.
- Are denied your claim for STD/VDI or LTD benefits. For information about your rights to appeal a claim denial, see the SPD.
- If your appeal is denied or you do not file an appeal of a denied claim within the required time period and fail to return to work on the first following business day, your employment with Adobe will be terminated.

If your employment with Adobe terminates, you can continue your health care coverage through COBRA. (See “*Federal COBRA Continuation Coverage*” in the SPD for more information.)

### **Initiating a Leave, Returning to Work and Reinstatement**

For a general overview on the leave process flow, from initiating a leave of absence to returning to work after a leave of absence and reinstatement, please refer to the Leave Process Flow section of the FMLA Policy. For step by step instructions for planning and taking a leave, refer to the leave checklists and other information found on the [Leaves of Absence page at benefits.adobe.com](#).

Submit a request for leave online at <a href="http://www.mylibertyconnection.com">www.mylibertyconnection.com</a> (Company Code: ADOBELOA) 24 hours a day, seven days a week or by calling a Liberty Intake Specialist during business hours: 1-800-459-3772. You must provide Liberty with any documentation they request from you to support your request for leave.
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### **Benefits**

Information about the status of benefits while on a leave of absence is found in the document titled [Your Benefits During A Leave of Absence](#). The charts in that document summarize the effect each type of leave has on your Adobe benefits.

### **Questions**

If you have questions about Medical Leave, contact Liberty at 888-873-5476. For other People Resources questions, call 408-536-4357 (6-HELP internally) and follow the prompts, or email your inquiry to [erc@adobe.com](mailto:erc@adobe.com).