



April 1, 2021

Employee Notice

FMLA CALCULATION FOR ADOBE INC.

“ROLL BACK” VERSUS “LOOK FORWARD” METHODS

The federal Family and Medical Leave Act (FMLA) provides eligible employees with 12 work weeks of qualifying leave within a 12-month period. Effective June 14, 2021, the “look forward” method for calculating the 12-month period will change to a “rolling” 12-month period measured backward from the date an employee uses FMLA leave. This announcement fulfills the requirement to provide 60-days’ notice of the change to all employees. During the transition period, employees taking FMLA between now and June 13, 2021 will do so under whichever method yields the greatest benefit to the employee.

Current Method: Adobe Inc. currently uses a “look forward” method for calculating an eligible employee’s 12-week entitlement of Family Medical Leave (FMLA) during a 12-month period. Using this method an employee is entitled to 12 weeks of leave during the year beginning on the first date FMLA is taken and measured forward 12 months. The next 12-month eligibility period would begin the first time FMLA leave is taken after completion of the prior 12-month period.

- Example: An employee takes FMLA leave for the first-time beginning October 1, 2020. The employee in this case is entitled to 12 weeks of a qualified FMLA leave taken either continuously or intermittently through September 30, 2021. On October 1, 2021 or thereafter the employee will begin a new 12-month eligibility period for FMLA beginning on the first date FMLA is taken.

New Method: Effective June 14, 2021, Adobe Inc’s method for calculating the 12-month period will change to a “rolling” 12-month period measured backward from the date an employee uses FMLA leave. With this method, each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months.

- Example 1: An Employee requests to begin FMLA leave on September 1, 2021. Looking backward to September 2, 2020 the employee used no FMLA leave. Therefore, the employee has a balance of 12 weeks FMLA leave that can be utilized for a qualifying event.
- Example 2: An employee requests to begin FMLA leave on September 1, 2021. Looking backward to September 2, 2020, the employee used 4 weeks of FMLA in September 2020, and 4 weeks in December 2020 for a total of 8 weeks over the preceding 12 months. The employee is entitled to 4 weeks of FMLA (12-week entitlement minus the 8 weeks already taken) and the employee will have additional time available in September 2021 as the days used in September 2020 “roll off” the leave year.

For questions regarding changes to the FMLA, contact the case managers at Lincoln Financial at 888-873-5476.