

BAE Systems Adoption and Surrogacy Reimbursement Program

The BAE Systems Adoption and Surrogacy Reimbursement Program, (the “Program”), established by BAE Systems and administered by WINFertility, Inc. (WIN), is offered to Eligible Employees who choose to build their families through adoption and/or surrogacy. The program helps to cover a portion of the expenses associated with adopting a child eighteen years or younger or when using a surrogate to assist in carrying and giving birth to a child.

Before you begin the adoption/surrogacy process, contact WINFertility for information about all aspects of the Program, including details about eligibility and covered expenses. You can reach a WINFertility Service Team Member at: 855-620-0989, Monday - Friday 9:00 a.m. - 7:30 p.m. EST. More details are also available at <http://managed.winfertility.com/baesystems>

In addition, WIN is available to assist Eligible Employees with information, tools, resources and experienced fertility professionals who can provide guidance throughout the surrogacy journey. Eligible Employees are not required to use all the resources of the Program, including WIN’s network of surrogacy agencies. For details, contact WIN at 855-620-0989 and ask to be connected to WIN’s Specialty Services Department.

Eligibility

To be eligible for reimbursement under the Program, at the time (1) the adoption/surrogacy is “**Legally Finalized**”, (2) reimbursement is requested, and (3) reimbursement is made, meet the following requirements:

- One year of service with the company’s U.S. payroll from the most recent hire date;
- Be actively at work, i.e. not on a leave of absence, as a regular full-time or part-time employee scheduled to work a minimum of 20 hours per week.
- Intend to become the legal parent of the child adopted or of the child born through the surrogacy process (an “Intended Parent”).

Note: If you and your spouse/domestic partner are both employees of BAE Systems, only one of you can submit for reimbursement for adoption/surrogacy expenses

This surrogacy benefit is designed to support a BAE Systems Eligible Employee who is the Intended Parent. An individual who meets the above eligibility requirements is an “Eligible Employee.” No benefits are provided under the Program for an employee of BAE Systems acting as a surrogate. Spouses, domestic partners, and dependents of Eligible Employees are not eligible to participate in the Program.

This benefit will not apply to employees subject to a collective bargaining agreement (CBA), unless otherwise noted in the CBA.

What is “Legally Finalized”?

An adoption is Legally Finalized when the adoptive parent(s) have been granted permanent legal custody of the child in the U.S according to the current U.S. law governing adoptions; and the adopting parent(s) can provide a notarized adoption decree or notarized court order and U.S. Passport or U.S. Visa, as applicable.

A surrogacy is Legally Finalized when the Intended Parent(s) have been granted permanent legal custody of the child and the Intended Parent(s) can provide a copy of either the certified birth certificate or a notarized court order acknowledging parentage of the Intended Parent(s) as the child’s permanent legal parent(s).

Benefits Summary

The Program provides reimbursement of up to \$30,000 lifetime maximum for certain costs associated with adoption and surrogacy arrangements that are Legally Finalized on or after January 1, 2021 and eligible expenses incurred on or after January 1, 2021.

There are various types of surrogacy arrangements, each dependent on the source of genetic material involved – and by whom the material is provided (the surrogate, the Intended Parent(s), or a donor(s)). This benefit is intended to support Eligible Employees regardless of the method through which the adoption or surrogacy occurs, provided that there is a legal basis for the arrangement. BAE Systems accepts no liability for outcomes of any adoption or surrogacy agreement entered into by the Eligible Employee.

Eligible Expenses

Eligible Employees may be reimbursed for Eligible Expenses (defined below) of up to a combined total of \$30,000 lifetime maximum resulting from any legal adoption or surrogacy occurrences. If you and your spouse or domestic partner are both Eligible Employees, your combined reimbursable expenses remain limited to \$30,000 resulting from any legal adoption or surrogacy occurrences.

The following costs are eligible for reimbursement to the Eligible Employee, include, but are not limited to:

- Court costs, legal costs, and attorney’s fees
- U.S.-based adoption and surrogacy agency fees
- Travel expenses for the Intended Parents or gestational carrier specifically related to the adoption or surrogacy occurrence
- Egg/sperm donation agency fees
- Fees charged by the surrogacy agency to administer the surrogacy occurrence
- Screening costs for gestational carrier and egg or sperm donor
- Egg or sperm retrieval fees, IVF, and medical costs, if not covered by another source
- The cost of transfer of the embryo to the gestational carrier
- Donor fertility costs and fees not covered by another source
- Egg or sperm shipping and transport fees

- Pregnancy medical expenses related to surrogacy not covered by another source
- Immigration and immunization fees associated with an adoption or surrogacy occurrence
- Unreimbursed medical expenses of the child(ren) and/or birth mother/surrogate

Eligible Employees may seek assistance for both adoption and surrogacy expenses for the same child, but in no event will the amount reimbursed exceed a combined total of \$30,000.

Ineligible Expenses

Any cost that is not an eligible expense is not eligible for reimbursement. Ineligible expenses include, but are not limited to:

- Any surrogacy arrangement or adoption that is not legally valid and recognized in the U.S.
- Any expenses that violate a state or federal law
- Compensation to gestational carrier or birth mother
- Compensation to egg or sperm donor
- Voluntary donations or contributions to the surrogacy agency or adoption agency
- Long term (more than 30 days) storage of blood, umbilical cord, reproductive materials or other material (e.g. cryopreservation of tissue, blood and blood products)
- Costs paid using funds from any federal, state, or local program for surrogacy or adoption
- Expenses incurred prior to January 1, 2021 or the Eligible Employee's one year service anniversary date, whichever is later
- Guardianship or custody costs that are not associated with the legal adoption or surrogacy of the child
- Expenses for adopting your step-child, your domestic partner's child, or your nephew, niece, cousin, brother, sister or grandchild
- Cost of living expenses and/personal items such as: rent, utilities, food, clothing, over-the-counter supplements, toys, furniture, etc.
- Loss of income, including but not limited to, loss of income due to complications of pregnancy such as bed rest for birth mother/surrogacy
- Expenses reimbursed under another employer program
- Any expenses not expressly stated as included shall be deemed to be excluded

BAE Systems retains the right to deny benefits under the Program for any expense that it deems to have been incurred in an illegal arrangement or that may result in any legal or tax liability to BAE Systems. BAE Systems also retains the right to deny benefits under the Program for international surrogacy arrangements or international adoptions that are not processed by an agency in the U.S.

Reimbursement Application Process

BAE Systems has retained WINFertility, Inc. (WIN) to administer the Program. WIN will review and validate reimbursable adoption and surrogacy expenses submitted by Eligible Employees who want to take advantage of this benefit.

- **Enroll with WINFertility:** Eligible Employees MUST enroll with WINFertility by completing the Initial Notification & Benefit Verification Form provided by WINFertility. WINFertility will verify the applicant's eligibility with BAE System's Benefits COE

- **Apply for Reimbursement:** Eligible Employees may apply for reimbursement for Eligible Expenses once the adoption or surrogacy has been Legally Finalized, **but no later than 180 days** from the date the adoption or surrogacy is Legally Finalized.
- Complete the **Adoption and Surrogacy Reimbursement Application**, available from WINFertility or the Resource Center Portal.
- Submit the completed form, along with the **Required Documentation** and **Itemized Receipts** to:

WINFertility, Inc.

Greenwich American Center
One American Lane, Terrace Level
Greenwich, CT 06831
Attn: WINFertility Specialty Services

OR email to: WINSpecialtyServices@WIN-Healthcare.com

- **Required Documentation for Adoption:** Notarized copy of the adoption decree or a notarized court order. For all foreign adoptions, proof the adopted child legally resides with the Eligible Employee in the U.S., such as U.S. Passport, U.S. Visa, or U.S. Birth Certificate.
- **Required Documentation for Surrogacy:** Copy of the certified birth certificate and copy of notarized court order acknowledging parentage of the Intended Parent(s) as the child's permanent legal parent(s)

OR

Notarized documentation from the court, on letterhead, which must include the following elements at a minimum:

- 1) the date on which the agreement was executed
- 2) the identity of the Intended Parent(s)
- 3) the state of residence of the Eligible Employee as of the date the agreement was entered into
- 4) the state of residence of the gestational carrier as of the date the agreement was entered into
- 5) the state in which the agreement was executed and
- 6) the date the Intended Parent(s) were granted custody of the child(ren)

- **Itemized Receipts**

Include copies of original itemized bills with paid receipts, along with proof of payment, such as cancelled checks or bank statements, showing payment has been made for all eligible expenses being submitted for reimbursement. You may submit claims in excess of the allowable benefit; but the benefit will be reimbursed only up the maximum of \$30,000. Please submit all documentation together, as claims will be reviewed in their entirety.

If submitted documentation requires additional substantiation and receipts, you will be contacted by WINFertility. Once your application form and required documentation have been reviewed and approved, your reimbursement will be paid through BAE Systems payroll as soon as administratively feasible, typically within two to three payroll cycles.

The legality of an adoption or surrogacy agreement may vary from state to state. It is your responsibility to make sure the adoption or surrogacy relationship you are entering into conforms with all laws and regulations before submitting eligible expenses for reimbursement under the Program. BAE Systems will only provide this benefit to support adoption or surrogacy arrangements that comply with all applicable laws and may deny payment for any international adoption or surrogacy arrangement.

Paying Taxes on the Reimbursement

It is intended that benefits paid under the Program may be excludable from your income for federal income taxes to the extent permitted under Internal Revenue Code § 137. Generally, only expenses incurred in connection with the adoption of an unrelated child who is under the age of 18 or mentally or physically incapable of self-care are eligible for this exemption. Benefits paid for any expenses for a surrogacy arrangement are not eligible for this exemption. You are responsible for understanding the tax treatment of reimbursements under this Program and for claiming any applicable income exclusion by filing Form 8839 with your federal income taxes. (Form 8839 and Instructions are available from the IRS and on the IRS website at www.irs.gov.)

If you do not satisfy the conditions of Internal Revenue Code § 137, all or part of the reimbursements under this Program may be considered taxable income when you file your federal income tax return—for example, if your adjusted gross income (as defined in the Instructions to Form 8839) exceeds IRS limits.

It is important for you to understand that although BAE Systems is required to withhold applicable federal employment taxes from reimbursements (e.g., for Social Security, Medicare, and federal unemployment tax) and to report the total amount of reimbursements to the IRS on your Form W-2, reimbursements under this Program may be made free of federal income tax withholding. If you must include any of the reimbursements in your income, your withholding may not be enough to cover the tax on these payments. Therefore, you may need to adjust your withholding by filing a new Form W-4 with BAE Systems via the self-service online portal. (For general information on Form W-4, see Publication 919, available from the IRS and on the IRS website at www.irs.gov.) State taxes may also apply to reimbursements under this Program.

In addition to the income exclusion discussed above, you may be entitled to a federal income tax credit for adoption expenses other than those reimbursed under this Program or elsewhere. You are responsible for coordinating the income exclusion and tax credit and for determining which one will produce the greatest financial and tax benefit for you and your family. For additional information about the income exclusion and tax credit, please refer to the Instructions to Form 8839, available from the IRS and on the IRS website at www.irs.gov.

You should contact your tax advisor about reporting requirements and tax consequences resulting from any benefits paid under this Program.

General Provisions

Any determinations of BAE Systems (or, as applicable, WINFertility) are final and binding. BAE Systems intends to continue the Program indefinitely but has the right to terminate or amend the Program at any time.

If You Leave BAE Systems Employment

You must be an active employee at BAE Systems and meet the eligibility requirements noted above at the time reimbursement is to be issued under the regular payroll/draw process. If you leave BAE Systems before completion of all program requirements, you will not be reimbursed.