



# FAMILY FORMING POLICY OUTSIDE OF THE U.S.

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## OVERVIEW

*This policy applies to all NVIDIA employees located outside of the United States. For NVIDIA employees located in the United States, please refer to: <https://www.nvidiabenefits.com/about-your-life/building-your-family>.*

This Family Forming Support Program (the “Program”) was created to meet the diverse family planning needs of all employees outside the US.

This Program is effective as of January 1, 2021, and only expenses incurred after the Program start date will be eligible for reimbursement. Any expenses incurred before being eligible for this Program (i.e., prior to employment) will not be eligible for reimbursement.

## ELIGIBILITY

This Program is offered to all part-time and full-time employees of NVIDIA who are scheduled to work 20 or more hours per week. A physician’s diagnosis of infertility is not required to access the benefits under this Program and the benefits are available regardless of whether you are in a same-sex relationship or single.

To be considered an “Eligible Employee,” you must be an active NVIDIA employee outside the U.S. at the time the expenses are incurred. You can apply for benefits under this Program while you are on an approved leave of absence if you continue to remain eligible for benefits.

**The legality of the family forming benefits may vary by country. It is your responsibility to make sure the benefits under this Program comply with all legal requirements and applicable law, before submitting eligible expenses for reimbursement. NVIDIA retains the right to deny coverage for any expense that it deems to have been incurred in an illegal arrangement or that may result in any legal or tax liability.**

## PAYING TAXES ON THE REIMBURSEMENT

NVIDIA will withhold and report all applicable taxes and deductions on benefits paid to you. It is recommended that you consult with your tax advisor to understand any applicable tax credits available to you and the impact that NVIDIA’s reimbursement payment may have on your tax responsibilities.

## ENROLLMENT

NVIDIA has partnered with WINFertility, Inc. (WIN) and Employee Adoption and ART Program (EAAP) to provide guidance and reimbursement services to employees. Before you begin your journey, contact WIN for information about all aspects of this Program, including details about eligibility and covered expenses. Call WIN at +001 (203) 541-0950 and ask to be connected to WIN’s Specialty Services Department. They can be reached Monday - Friday 1:00 p.m. - 11:30 p.m. GMT. You can also contact WINFertility via email at: [WINSpecialtyServices@WIN-healthcare.com](mailto:WINSpecialtyServices@WIN-healthcare.com) More details are also available at: <https://managed.winfertility.com/nvidia-intl>.

You can also start the enrollment process by downloading the enrollment application form from the above website and submit to: [WINSpecialtyServices@WIN-healthcare.com](mailto:WINSpecialtyServices@WIN-healthcare.com).

## ADOPTION ASSISTANCE PROGRAM

The Adoption Assistance Program helps to cover expenses associated with adopting a child or siblings eighteen-years or younger, or over the age of 18 if incapable of self-care (“Eligible Child(ren)”). This benefit is designed to support an Eligible Employee who is a Prospective Parent, and, if applicable, the employee’s spouse or domestic partner who is a Prospective Parent. “Prospective Parent” means a person who intends to adopt. Reimbursement will only be paid for adoptions that are Legally Finalized, as described below, or for non-refundable payments made as part of the journey if the adoption is not successful. The Eligible Employee must be listed on the final Adoption Decree. Each reimbursement request will be evaluated on a case-by-case basis.

An adoption is defined as “Legally Finalized” when the adoptive parent(s) have been granted permanent legal custody of the child and the adopting parent(s) can provide a notarized adoption decree, notarized court order, or equivalent.

### ELIGIBLE EXPENSES

“Qualified Adoption Expenses” are reasonable and necessary expenses that are directly related to, and the principal purpose of which is for, the legal adoption of an Eligible Child(ren). This program has no lifetime limit on reimbursed expenses.

Expenses may include the following:

- agency and placement fees (including home study fees);
- legal fees and court costs;
- medical expenses for the adoptive child prior to placement for adoption;
- temporary foster care costs;
- immigration, immunization, and translation service fees;
- reasonable travel and transportation costs limited to required travel (including amounts spent for meals and lodging) consistent with the [\[NVIDIA Business Travel & Expense Policy\]](#) for the employee and one additional individual, in addition to travel and transportation costs for adoptive child, to a limit of USD \$10,000;
- counseling fees associated with placement and initial adjustment (beyond what is covered under the NVIDIA Welfare Plan) for up to six months after the placement;
- expenses associated with the adoption of a spouse’s child (stepchild adoptions) or adoption of a grandchild;
- other expenses at NVIDIA’s full discretion and NVIDIA determines to be consistent with applicable tax code.

## Ineligible Expenses

The following expenses are not Qualified Adoption Expenses and will not be reimbursed under this Program:

- expenses incurred before an employee becomes eligible to participate in this Program;
- expenses incurred after an employee is no longer eligible to participate in this Program;
- expenses reimbursed, reimbursable, or funded under another program;
- expenses reimbursed under another employer-sponsored adoption assistance plan;
- expenses associated with a surrogate parenting arrangement;
- expenses NVIDIA determines in its sole discretion are not Qualified Adoption Expenses;
- compensation to the birth mother;
- 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 the birth mother; or
- birth mother medical expenses.

## SURROGACY ASSISTANCE PROGRAM

The Surrogacy Assistance Program is intended to support Eligible Employees regardless of the method through which the surrogacy occurs if there is a legal basis for the agreement. Employees who are surrogates are not eligible under this benefit. Each reimbursement request is evaluated on a case-by-case basis.

A surrogacy is defined as “Legally Finalized” when the Prospective Parent(s) have been granted permanent legal custody of the child and the Prospective Parent(s) can provide a copy of either the certified birth certificate or a notarized court order acknowledging parentage of the Prospective Parent(s) as the child’s permanent legal parent(s), or equivalent. “Prospective Parent” means a person who intends to have a child via surrogacy.

### Eligible Expenses

This Program will reimburse Surrogacy Related Expenses incurred while you are an Eligible Employee. “Surrogacy Related Expenses” are expenses reasonably and directly related to a legal surrogacy arrangement that were actually paid by you and are not Ineligible Expenses. This program has no lifetime limit on reimbursed expenses, however NVIDIA may set monetary limits on certain types of expenses, as described below, and reserves full discretion in determining whether a submitted expense qualifies for reimbursement. The Eligible Employee must be listed on the birth certificate.

Surrogacy Related Expenses may include:

- Surrogacy agency fees if permitted by national or local law;
- Court costs (related only to the transfer of child to Eligible Employee);
- Legal fees (related only to the transfer of child to Eligible Employee);
- Fees associated with the purchase of fresh or already frozen donor tissue;
- Consultant/specialist fees;
- Reasonable and necessary medical expenses incurred by the gestational carrier related to pregnancy and delivery including the expenses listed below, provided that such medical expenses are incurred after the date a valid surrogacy contract is executed, and provided further that such medical claims are incurred no later than one month after delivery:
  - Screening costs for gestational carrier and egg or sperm donor;
  - Egg or sperm retrieval fees, IVF, and medical costs, if not covered by another plan or source;
  - The cost of transfer of the embryo to the gestational carrier;
  - Egg or sperm shipping and transport fees;
  - Pregnancy medical expenses related to surrogacy not covered by another plan or source;
- Reasonable cost of living expenses and/personal items such as: transportation to doctor’s appointments, special food or over-the-counter supplements; up to a limit of USD \$150 per month during the course of pregnancy and up to 8 weeks after the end of the pregnancy;
- Reasonable loss of income due to complications related to pregnancy and delivery such as bed rest, including any compensation for lost wages that are paid by the Eligible Employee during the pregnancy and up to 8 weeks after the end of the pregnancy;
- Reasonable travel and transportation costs limited to required travel (including amounts spent for meals and lodging) consistent with the [\[NVIDIA Business Travel & Expense Policy\]](#) for the employee and one additional individual, in addition to travel and transportation costs for child, to a limit of USD \$10,000; or
- Translation service fees.

## Ineligible Expenses

The following are ineligible expenses that are not Surrogacy Related Expenses and are not reimbursable under this Program:

- Guardianship or custody costs that are not associated with the surrogacy;
- Expenses incurred prior to the plan start date or the Eligible Employee's most recent hire date, whichever is later;
- Expenses incurred before you are an Eligible Employee or after you cease to be an Eligible Employee;
- Any fine, penalty or other loss (including attorneys' fees) related to a surrogate agreement imposed by a government agency or court of law (for example, because the surrogate agreement violates local law) or in connection with a legal or administrative proceeding alleging a breach of a surrogate agreement or any settlement thereof;
- Any fees, expenses, or costs associated with a dispute as to custody or legal parenting rights;
- Any costs associated with transferring or terminating a surrogacy arrangement;
- Expenses already paid for or reimbursed by another employer, benefit, program, or party;
- Medical or testing expenses for the NVIDIA employee or the employee's spouse/domestic partner;
- Compensation to a gestational carrier;
- Voluntary contributions such as donations;
- Any childcare expenses;
- Taxes incurred by the gestational carrier related to the surrogacy arrangement between the Eligible Employee and the gestational carrier;
- Expenses that NVIDIA (or its delegate) determines (in its sole discretion) are not Surrogacy Related Expenses;
- Storage of blood, umbilical cord, reproductive materials or other materials (e.g., cryopreservation of tissue, blood and blood products);
- Any costs associated with destroying any eggs, sperm, or embryos; or
- Any expenses not expressly stated as included shall be deemed to be excluded.

## DONOR ASSISTANCE PROGRAM

The Donor Assistance Program provides financial assistance for Donor Related Expenses incurred by Eligible Employees, which are not reimbursed or paid for from any other source. This Program is intended to help those who choose to procure donor egg or donor sperm through a regulated egg/sperm bank, agency, or provider's office by providing reimbursement for a portion of the associated expenses. If both parents are employees of NVIDIA, expenses are reimbursed only once per donation. This program has no lifetime maximum on reimbursement, however NVIDIA may set monetary limits, as described below, on certain types of expenses and reserves full discretion in determining whether a submitted expense qualifies for reimbursement.

### Eligible Expenses

- One year of storage for donor egg(s) and donor sperm;
- Subscription fees;
- Shipping fees;
- Reasonable travel and transportation costs limited to required travel (including amounts spent for meals and lodging) consistent with the [\[NVIDIA Business Travel & Expense Policy\]](#) for the employee and one additional individual, to a limit of USD \$10,000;
- Agency fees;
- Donor fertility costs including medications, office visits to fertility clinic, bloodwork, ultrasounds, injection training, egg retrieval costs, and anesthesia;
- Costs related to the purchase of catastrophic medical insurance coverage for the donor;
- Legal costs and attorney's fees; or
- Screening costs for donor including psychological clearance, genetic carrier screening, infectious disease screening, and fertility screening exams.

### Ineligible Expenses

- Fees associated with adoption or purchase of donor embryos;
- Costs associated with the Eligible Employee's psychological clearance;
- Compensation to egg or sperm donor;
- Expenses incurred prior to the plan start date or the Eligible Employee's most recent hire date, whichever is later;
- Expenses incurred before you are an Eligible Employee or after you cease to be an Eligible Employee;
- Any expenses not expressly stated as included shall be deemed to be excluded.

## FERTILITY ASSISTANCE PROGRAM

The Fertility Assistance Program provides financial assistance for “Qualified Fertility Expenses” incurred by Eligible Employees after utilizing treatment already available through government programs and/or cover under your NVIDIA-sponsored benefits. This Program is intended to help those who choose to pursue fertility treatment by providing reimbursement for the associated expenses incurred through specially licensed reproductive technology treatment centers or medical institutions. Included in this program are WINFertility Nurse Care Managers with extensive experience in family building that are available to support you and your family with your family building journey, providing education, advocacy, and support.

If both parents are employees of NVIDIA, expenses are reimbursed only once per treatment cycle. This program has no lifetime maximum on reimbursement or limit to the number of treatment cycles; however NVIDIA may set monetary limits on certain types of expenses and reserves full discretion in determining whether a submitted expense qualifies for reimbursement, including evaluation of whether a medical service or medication requested is considered to be futile and unlikely to reasonably result in pregnancy and/or continued treatment of the same course would be unlikely to provide further medical benefit.

### Eligible Expenses After Utilization of Any Local Government and/or NVIDIA Supplemental Programs:

- In Vitro Fertilization (IVF);
- Artificial Insemination/Intrauterine insemination;
- Testing and treatment services performed in connection with an underlying medical condition;
- Testing performed specifically to determine the cause of infertility;
- Treatment and/or procedures performed specifically to restore fertility (e.g., procedures to correct an infertility condition);
- Diagnostic evaluations;
- Infertility drugs which are administered, prescribed, or provided by a Physician;
- Laboratory tests;
- Sperm washing or preparation;
- Treatment and/or procedures performed to enable conception with or without an infertility condition;
- Gamete Intrafallopian transfer (GIFT);
- Zygote Intrafallopian transfer (ZIFT);
- Embryo Biopsy & Pre-implantation genetic testing;
- Access to reproductive services for the purpose of pre-implantation genetic diagnosis (PGD) and embryo selection when parent(s), though fertile, are known carriers of genes associated with birth defects;
- Cryopreservation (freezing) of blastocysts(s) and embryo(s) for both medical and social reasons with storage up to one year;
- Cryopreservation (freezing) of oocytes (eggs) and sperm with storage up to one year;
- Cryopreservation (freezing), storage, and thawing of sperm and eggs, blastocysts(s) and embryo(s);
- Embryo transfer;
- Services of an embryologist within a laboratory environment to manage the development of embryos from oocytes (eggs) and sperm;

### Ineligible Expenses:

- Expenses incurred before an employee becomes eligible to participate in this Program;
- Expenses incurred after an employee is no longer eligible to participate in this Program;
- Expenses already paid for or reimbursed by another employer, benefit, program, or party;
- Expenses available through government programs and/or cover under your NVIDIA benefits;
- Reversal of male and female voluntary sterilization;
- Infertility services when the infertility is caused by or related to voluntary sterilization;
- Commercial dealings in gametes or embryos and selection of the sex of an embryo (unless the selection is for avoiding certain sex-linked genetic diseases);

- Storage costs after one year for cryopreservation (freezing) of oocytes (eggs), sperm, blastocysts(s) and embryo(s) for both medical and social reasons;
- Any costs associated with destroying any eggs, sperm, or embryos;
- Expenses NVIDIA determines in its sole discretion are not Qualified Fertility Expenses;
- Any expenses not expressly stated as included shall be deemed to be excluded.

## REIMBURSEMENT OF CLAIMS

Eligible Employees may apply for reimbursement for Eligible Expenses no later than 180 days after the adoption, surrogacy, donor, or fertility treatment cycle has been finalized, or after the journey is considered to be unsuccessful.

Claims may be submitted up to 3 times during the journey for Adoption and Surrogacy reimbursement requests. You may request reimbursement for non-refundable payments, such as payments to agencies, after the first and last non-refundable payments are made. All other expenses should be submitted for reimbursement after the journey is complete.

All claims for reimbursements must be submitted in writing to WIN, using the specific forms provided by WIN Specialty Services. The following documentation must be submitted. Claims should be submitted in the currency in which it was incurred.

1. For **Adoption Reimbursement**: Executed copy of Agency Agreement, notarized copy of the adoption decree or a notarized court order (or local equivalent), visa for child (for international adoptions), itemized invoices on company letterhead, along with itemized receipts and proof of payment, such as a bank statement or canceled check, showing payment has been made for all eligible expenses being submitted for reimbursement.
2. For **Surrogacy Reimbursement**: Executed copy of Agency Agreement, 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), visa for child (for international surrogacy), itemized invoices on company letterhead, along with itemized receipts and proof of payment, such as a bank statement or canceled check, showing payment has been made for all eligible expenses being submitted for reimbursement.
3. For **Donor Assistance Reimbursement**: All claims must be submitted no later than 180 days from the date the donor treatment cycle or purchase is completed. Required documentation should include itemized invoices on company letterhead, along with itemized receipts and proof of payment, such as a bank statement or canceled check, showing payment has been made for all eligible expenses being submitted for reimbursement.
4. For **Fertility Assistance Reimbursement**: All claims must be submitted no later than 180 days from the date the fertility treatment cycle is completed (i.e., insemination or embryo/egg/sperm cryopreservation is complete). Required documentation should include itemized invoices on company letterhead, along with itemized receipts and proof of payment, such as a bank statement or canceled check, showing payment has been made for all eligible expenses being submitted for reimbursement. You are required to utilize treatment available through government programs and/or cover under your NVIDIA-sponsored benefits. If you would like an exception to be made to utilize this WINFertility program, please indicate your reason for the exception request using the specific forms provided by WIN Specialty Services. Your exception request will be reviewed by the Global Benefits team.

Submit the required documentation to: [WINSpecialtyServices@WIN-Healthcare.com](mailto:WINSpecialtyServices@WIN-Healthcare.com)



If submitted documentation requires additional substantiation, you will be contacted by WIN to request additional information. Once your claim form and required documentation have been reviewed and approved, your reimbursement will be paid through NVIDIA's payroll within 2-3 payroll cycles. NVIDIA cannot coincide the reimbursement to any particular month, timeframe, or schedule.

All determinations for benefits under this Program will be made by WINFertility. WINFertility will notify you in writing whether your claim is accepted or denied. If your claim is denied, and you want to file an appeal, you (or your duly authorized representative) must file a written request for a review of your eligibility claim with WINFertility within 180 days after you receive the denial of your claim. If you do not file a request for review of your claim within such 180-day period, you will be deemed to have acquiesced in the original decision. If you do file an appeal within such 180-day period, WINFertility will conduct a full and fair review of your claim. During such review, you will be given the opportunity to review documents that are pertinent to your claim and to submit issues and comments in writing. You will be notified in writing (by WINFertility or its delegate) of the decision on review within 60 days (120 days in special circumstances) after your appeal is received. The decision of WINFertility will, to the extent permitted by law, be final and binding on all interested persons.