

U.S. Leave of Absence Policy



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Note: We understand this policy is a subject of negotiations and we maintain our commitment to keeping operations status quo for represented employees until agreements have been reached.

1 Purpose

The purpose of this policy is to establish guidelines for Activision Blizzard, Inc. and all of its subsidiaries (collectively, the “Company”) governing leaves of absence for eligible U.S. employees and to ensure that leaves of absence are granted and administered in accordance with applicable federal, state and local laws.

This policy covers time off benefits that are commonly associated with non-vacation time off that exceeds five (5) business days (whether those days are consecutive or intermittent for a single purpose). For information about additional time off benefits that may be available to you, please also review our SupportDesk Article: “[US Time Away From Work](#)”.

Any questions about the information in this Policy or otherwise about leaves of absence should be directed to the Leaves Team (Leaves@activisionblizzard.com).

2 General Provisions

It is the Company’s policy to grant leaves of absence to all eligible U.S. employees on a non-discriminatory basis. The following provisions apply to all leaves of absence provided by the Company, unless otherwise specified:

- Leaves are granted and administered in accordance with applicable federal, state and local laws. Wherever such statutory or other leave provisions overlap, they will run concurrently to the fullest extent permitted by law. The Company will further comply with its legal obligations under applicable laws to reasonably accommodate eligible employees.
- The fact that an employee may be granted a leave of absence does not change the at-will nature of their employment. In addition, while it is the Company’s intent to continue providing leaves of absence, we reserve the right to amend this policy at any time for any reason, consistent with the law.
- Employees may not accept other additional employment, apply for unemployment insurance or engage in any other activities while on a leave of absence that are inconsistent with the stated purpose/reasons for the leave, unless otherwise approved in writing by Human Resources. In addition, misrepresentation of facts concerning the need for leave will be considered a violation of Company policy. Engaging in this conduct may result in disciplinary action, up to and including termination of the leave and/or employment.
- Employees are expected to return to work promptly upon expiration of their approved leave of absences. Employees who do not return to work or do not contact the Company for three (3) consecutive business days after the expiration of an approved leave of absence (i.e., no-call-no-show) may be deemed to have voluntarily terminated their employment through job abandonment, unless otherwise prohibited by law. We encourage communication throughout the process, and the Company may reach out to employees in anticipation of their return to work.
- **No Discrimination or Retaliation.** The Company takes its leave obligations seriously and will not interfere with, restrain, or deny an employee the exercise (or attempted exercise) of any right protected under this policy or applicable federal, state, or local laws. The Company will not discriminate or retaliate against any individual because they use or request leave in accordance with this policy, file a complaint or institute a proceeding related to their leave of absence rights. An employee who believes they have been discriminated or retaliated against because they participated in the uniformed services, requested a leave described in this policy or otherwise protected by law, complained or participated in any investigation of a complaint of discrimination or retaliation based on a leave described in this policy or otherwise protected by law, or otherwise engaged in protected conduct related to leaves protected by under state or federal law should immediately

report it using the [Ask List](#). The Company prohibits retaliation against employees who make such a complaint or engage in such conduct.

3 Leaves of Absence Overview

A. Available Leaves of Absence

This is an overview of the leaves of absence provided by the Company that are covered in this policy. This is not an exhaustive list of leave-related benefits that employees may be entitled to, and employees are encouraged to discuss their specific circumstances with the Leaves Team. Please see the more detailed description for information regarding each leave. To the extent applicable state or local laws grant greater or additional benefits, the Company will comply with those laws.

- **Family Medical Leave**

The Company provides family medical leave as required by federal law under the Family Medical Leave Act (FMLA) and state and/or city laws, as may be applicable. Under the FMLA, eligible employees are entitled to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave employees may use is either 12 or 26 workweeks¹ in a 12-month period, depending on the reasons for the leave. State and/or city laws may provide similar or additional benefits, which may include additional time away, additional bases of eligibility for leave, and/or paid leave benefits, among others. Employees should refer to the applicable state appendices for more information about additional leave benefits in a particular state², and contact the Leaves Team any time that they have a need for leave.

- **Domestic Partner Leave**

The Company provides eligible employees with family medical leave for domestic partners, in addition to the familial relationships otherwise covered by the FMLA.

- **Parental Leave**

The Company offers eligible employees up to ten (10) workweeks of paid parental leave. Some employees may also be eligible for additional pregnancy- and/or parental-related benefits through applicable state programs. These state programs may provide partial wage replacement and/or additional periods of leave, among other benefits. Contact the Leaves Team for additional information related to benefits offered by a particular state.

- **Compassion Leave**

The Company provides eligible employees with up to ten (10) workweeks of paid leave for specified immediate family members with a terminal illness during the family member's last twelve (12) months of life. Employees may also be eligible for a partial wage replacement through applicable state programs. Contact the Leaves Team for additional information related to benefits offered by a particular state.

- **Military Leave**

Employees may be eligible for leave related to military service under applicable federal and/or state laws. Eligibility for military leave is discussed in greater detail in this policy, and is generally based on (1) the employee's own covered military service, (2) a "qualifying exigency" related to the covered active duty of an eligible family member, or (3) to care for a family member who is a "Covered Servicemember" with a serious injury or illness.

¹ All weeks in a calendar year are considered workweeks, except for the Company's annual shutdown at the end of the calendar year, for eligible employees. Leave periods that overlap with the Company's shutdown may be extended by the duration of the overlapping period.

² The lack of a state appendix in this policy doesn't mean the state has no applicable state or local leave benefits. Contact the Leaves team for more details about specific state benefits.

- **Workers' Compensation Leave**

Employees who experience workplace injuries or illnesses may be eligible for workers' compensation leave and/or compensation under applicable state law.

- **Leave as an Accommodation**

Employees with a qualifying disability or medical condition may be eligible for leave as a reasonable accommodation under the Americans with Disabilities Act of 1990, as amended (ADA) or other comparable state laws, where undue hardship will not result.

- **Other Leaves of Absence**

Employees may also be eligible for other leaves as provided by Company policies and/or as required by law, including extended bereavement leave.

Each of these leave categories is explained in greater detail in this policy. Some of these leaves may run concurrently. Questions regarding leaves should be directed to the Leaves Team (Leaves@activisionblizzard.com).

B. Requesting a Leave of Absence

Regardless of the leave type, the process for requesting a leave of absence is generally the same. However, employees should refer to the section(s) applicable to the leave they are seeking for the specifics that may be required, including the type of documentation that may be required by Aflac (the Company's third-party administrator) when reviewing their eligibility for leave.

1. Notify Aflac and the Company

For most leave types, employees should notify Aflac and the Company's Leaves Team of their request for Leave. Employees may initiate a request through Aflac by calling 1-800-206-6720 or registering the leave online at [Home \(aflac.com\)](https://home.aflac.com). However, employees who are requesting leave as an accommodation or a personal leave of absence should instead contact the Leaves Team (Leaves@activisionblizzard.com) or the Accommodations Team (Accommodations@activisionblizzard.com), as applicable.

2. Supporting Information and Documentation

All leave requests should include the anticipated date(s) and duration of the leave. When reasonably possible, any request for a leave extension must be submitted to Aflac at least five (5) working days prior to the date on which the employee was originally scheduled to return to work and must include a revised return to work date. The Company reserves the right to refuse any leave extension within its reasonable discretion, consistent with the law.

The Company and/or Aflac reserve the right to require additional dependent certification documentation, where applicable, before approving a leave, consistent with applicable law.

3. Timing of Leave Request

- If the need for leave is foreseeable (e.g., for planned, non-emergency medical treatment), the employee must give a minimum of thirty (30) days advance notice. If an employee fails to provide the requisite notice for foreseeable events without any reasonable excuse for the delay, the Company reserves the right to delay the taking of the leave until at least thirty (30) days after the date the employee provides notice of the need for leave.
- If the need for leave is not foreseeable, the employee must give notice as soon as practicable. Typically, this should be within two (2) business days of when the need for leave becomes known to the employee.

4. Leave Approval

Leaves of absence will not be approved unless and until Aflac has all the information necessary

to make a determination. The fact that an employee has requested a leave does not imply that the request will be approved or that the time off will be protected under any applicable laws.

5. Privacy

In consideration of employees' privacy, the Leaves Team will coordinate with Aflac to make any necessary inquiries and will evaluate whether the employee is eligible for leave. If the leave request involves a medical need, the Leaves Team will ensure that all information provided by employees is maintained confidentially, in accordance with applicable law.

C. Retroactive Leaves

Employees should submit retroactive leave requests no more than seven (7) days after a leave of absence has begun. Failure to do so may result in denial or delay of the leave of absence or, if applicable, in the leave not being designated as FMLA-protected time off. As detailed above, leave requests must be made at least thirty (30) days in advance, or as soon as practicable (within two (2) business days when the need for leave becomes known to the employee). In cases where Aflac has enough information to determine whether a leave is being taken for an FMLA-qualifying reason, Aflac will notify the employee as to whether the leave will be designated as FMLA Leave and will count the absence as FMLA Leave, even if done so retroactively.

D. Identifying the 12-month Period

Many of the Company's leaves limit the amount of leave time based on a 12-month period. Unless otherwise stated in the applicable leave section, the Company measures the twelve (12) month period in which leave is taken by the "rolling" twelve (12) month method, measured backward from the start date of any leave with one exception: For leave to care for a Covered Servicemember, the Company calculates the twelve (12) month period beginning on the first day an eligible employee takes FMLA Leave to care for a Covered Servicemember and ends twelve (12) months after that date. Leave for the birth or placement of a child for adoption or foster care must be concluded within twelve (12) months of the birth or placement.

E. Use of Paid Leave

Most leaves of absence are unpaid, except as otherwise expressly provided in this policy or required by law. Review the relevant sections of this policy for details about the paid or unpaid status of a particular leave of absence type.

Depending on the purpose of an employee's leave request, the Company may require employees to use all applicable Health and Vacation time (collectively referred to in this policy as "paid time off") towards an otherwise unpaid or partially paid leave, not to exceed 100% of the employee's regular pay. If the Company does not require an employee to do so, the Employee may elect to substitute paid time off for an unpaid or partially paid leave, so long as the employee complies with the Company's normal procedures for the applicable paid time off policy (e.g., call-in procedures, advance notice, etc.)

Additionally, depending on the purpose of an employee's leave request, they may choose to take leave pursuant to a short- or long-term disability leave plan, during the otherwise unpaid portion of the employee's medical leave. Employees are encouraged to contact the Leaves Team regarding the availability of paid benefits, including the Company's short-term disability (STD) and long-term disability (LTD) plans, and applicable state paid disability and paid family and medical leave programs (PFL/PFML) available through states that offer benefits. Paid leave benefits will generally run concurrently with the unpaid leave and may not be used to extend leave duration, except to the extent required by law. For more information about state-specific leaves, review the applicable state-specific Appendix or contact the Leaves Team (Leaves@activisionblizzard.com). Applicable paid benefits will be integrated with paid time off in accordance with Company policy.

Employees will **not** continue to accrue Vacation benefits during a leave of absence, unless otherwise required by law. However, employees who use one full week of paid time off per week as pay during a leave of absence will continue to accrue time at their regular rates of accrual.

F. Maintenance of Health Benefits

The Company will maintain coverage under the Company's group health plan during an employee's approved leave of absence on the same terms as if they had continued to work for a maximum of twelve (12) months after the start of an approved, protected leave (such as FMLA Leave, CFRA leave (California employees only), or short or long-term disability). During such benefits continuation period, the employee remains responsible for their share of health plan premiums and other costs for which the employee would otherwise be responsible if they were not on leave. To the extent an employee is using a paid time off benefit during a leave that is otherwise unpaid, the employee's benefit contributions will be automatically deducted from the resulting pay. If an employee's paid time off bank has been depleted (or if the employee's paid time off is insufficient to cover the employee's total bi-weekly contributions), the employee is responsible for the payment of the remainder of the contributions due, generally through payroll deductions upon return from leave. To ensure that insurance coverage will continue throughout the leave of absence, employees are advised to consult with the Benefits Department (benefits@activisionblizzard.com). An employee's failure to timely pay his or her employee contributions for benefits may result in the termination of the employee's insurance coverage. In some instances, the Company may recover premiums it paid to maintain health coverage or other benefits for the employee or their family.

If an employee remains on leave for more than twelve (12) months and as such is no longer eligible for benefits continuation, such employee will be eligible for continuation of benefits through COBRA³ or a COBRA-equivalent program. Employees are encouraged to contact the Leaves Team regarding the availability of COBRA coverage or any other benefit continuation programs.

G. Returning Following a Leave of Absence

Unless otherwise permitted by law, an employee returning from a qualified, protected leave of absence in a timely manner (i.e., on the next workday following expiration of the employee's approved medical leave) is entitled to reinstatement in the same or comparable position (e.g., a position with the same wage and level of responsibility) in which the employee was employed prior to the leave.

If the employee is unable to perform the essential functions of his or her position, the Company will engage in an interactive process to identify possible reasonable accommodations or attempt to locate an alternative position for the employee for which the employee is qualified, as required by law. The Company will reasonably accommodate disabled employees as required by law. Employees, however, have no greater right to employment than if they had been continuously employed rather than on leave.

H. Failure to Return from Leave

Employees who fail to return to work as scheduled upon the conclusion of an approved leave or after exceeding the leave entitlement period (e.g., 12 or 26 weeks of FMLA Leave, 10 weeks of Company Paid Parental Leave, etc.), will be subject to the Company's standard leave of absence and attendance policies and procedures. This may result in termination if the employee has no other Company-provided leave available that applies to their continued absence. Employees who do not

³ COBRA is the Consolidated Omnibus Budget Reconciliation Act, which provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates. This coverage, however, is only available when coverage is lost due to certain specific events, voluntary or involuntary termination of employment for reasons other than gross misconduct, or reduction in the number of hours of employment. For spouses, the qualifying events include voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct; reduction in the hours worked by the covered employee; covered employee's becoming entitled to Medicare; divorce or legal separation of the covered employee; or the death of the covered employee. For dependent children, the qualifying events are the same as for spouses with the addition of the loss of dependent child status under the plan rules.

return to work and do not contact the Company for three (3) consecutive business days after the expiration of an approved leave (i.e., no-call no-show) may be deemed to have voluntarily terminated their employment through job abandonment.

Likewise, following the conclusion of an employee's approved leave, the Company's obligation to maintain the employee's group health plan benefits may end (subject to any applicable COBRA rights). If an employee is unable to return to work after an approved leave, they must notify the Leaves Team immediately upon becoming aware of their inability to return. If the Company becomes aware of the need for additional leave, the Company will engage in an interactive process to determine whether the condition may qualify for unpaid leave as a reasonable accommodation. More information about leave as an accommodation can be found in Section 11, "Leave as an Accommodation".

I. Conflict with Leaves Overview

In the event of a conflict between any of the provisions in this Section 3 "Leaves of Absence Overview" and the more specific section applicable to a category of leave, the more specific section controls.

4 Family Medical Leave Act (FMLA)

The FMLA entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

A. Eligibility

To be eligible for FMLA Leave, an employee must:

- Have worked for the Company for at least 12 months prior to the leave start date; and
- Have worked at least 1,250 hours in the past 12 months prior to the leave start date.

B. Reasons for Taking FMLA Leave

1. Up to twelve (12) workweeks of leave in a 12-month period may be taken for:
 - a. The birth of a child and to care for the newborn child within one year of birth;
 - b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - c. To care for the employee's spouse, child, or parent who has a serious health condition;
 - d. A serious health condition that makes the employee unable to perform the essential functions of their job; or
 - e. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on "covered active duty". See Section 9, "Military-Related FMLA Leave").
2. Up to twenty-six (26) workweeks of leave during a single 12-month period may be taken to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, child, or next of kin (military caregiver leave). See Section 9, "Military-Related FMLA Leave".

C. Certification

- All requests for FMLA Leave based on an employee's serious health condition or the serious health condition of a covered family member must be supported by medical certification from a health care provider. Requests for FMLA leave for other purposes may also require certification.
- The certification form will be provided by Aflac. Certification must generally be provided before the leave begins, or for unforeseeable leaves, within fifteen (15) calendar days of the Company's

or Aflac's request (additional time may be permitted under certain circumstances).

- If an employee fails or refuses to provide the required medical certification within the required time, the Company may delay the commencement of the employee's leave, withdraw any designation of FMLA Leave, or deny the leave, in which case the employee's time away from work would be treated as unapproved, potentially subjecting the employee to disciplinary action, up to and including termination of employment.
- Under appropriate circumstances, Aflac may request a second or third opinion from a health care provider.
- Requests for leave extensions beyond the period supported by the medical certification require an updated medical certification, which must be submitted to Aflac prior to the expiration of the leave.

D. Intermittent FMLA Leave

FMLA Leave taken intermittently for the birth, adoption or foster care placement of a child or baby bonding requires at least seven (7) days' advance notice. All such leaves must be completed within one (1) year of the birth, adoption, or placement.

FMLA Leave taken for the employee's own serious health condition or the serious health condition of the employee's child, spouse, or parent may be taken intermittently or on a reduced schedule where medically necessary. Each absence for intermittent leave must be reported to Aflac within two (2) days of each separate occurrence.

Aflac may request certification or recertification of the need for intermittent leave from a health care provider under certain circumstances, such as when an employee requests a leave extension. If an employee fails to timely recertify their leave, the period for which recertification was requested may be treated as unapproved time off and will have the same effect as an employee's failure to provide medical certification.

E. FMLA Leave's Effect on Pay

Generally, FMLA Leave is unpaid. However, in some cases employees may be eligible for state-sponsored benefits or may use their available paid time off balance, as detailed further in this policy. All payments of wage-replacement benefits and paid time off will be integrated so that employees will receive no more than their regular compensation during their leave. The use of paid benefits will not extend the length of an FMLA Leave, unless otherwise required by law.

F. State Disability/Paid Family and Medical Leave Programs

Some states maintain income replacement programs which may offer some amount of income replacement for leave based on a serious health condition or disability. Included below are links to some state resources; however, this list may not be exhaustive and is provided only as a reference. Employees should check with their specific state (see websites below) for information about available state income-replacement programs, including information on eligibility, application procedures, benefit limits, etc. Employees may also contact the Leaves Team for more information or if your state is not listed.

Importantly: It is the employee's responsibility to apply for any available state disability benefits. Whether applied for or not, an employee that is eligible for short-term disability will have the amount of the eligible payment offset from any state disability and from the employee's Aflac disability payment.

- California: <http://edd.ca.gov/Disability/>
- Colorado: [Home | Family and Medical Leave Insurance \(colorado.gov\)](#)

- Connecticut: <https://ctpaidleave.org/>
- Massachusetts: <https://www.mass.gov/how-to/how-to-apply-for-paid-family-and-medical-leave-pfml>
- New Jersey: <http://lwd.dol.state.nj.us/labor/tdi/tdiindex.html>
- New York: <https://ww3.nysif.com/Home/Claimant/DBClaimant/FilingAClaim>
- Oregon: [Home - Paid Leave Oregon](#)
- Washington: <https://paidleave.wa.gov/>
- Washington, DC: [DC Paid Family Leave](#)

State not listed? Check with the Leaves team.

G. Benefits During FMLA Leave

The Company will continue making contributions to employee group health benefits during an employee's approved FMLA Leave, on the same terms as if the employee had continued to actively work. This means: if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium contributions that they would make while actively working. In some instances, the Company may recover premiums it paid on the employee's behalf to maintain health coverage if the employee fails to return to work following FMLA Leave. See Section 3.F., "Maintenance of Health Benefits" for more information on benefits during leave.

H. Amount of FMLA Leave

Provided all the conditions of this policy are met, an employee may take a maximum of twelve (12) workweeks of FMLA Leave (or, in the case of military caregiver leave, twenty-six (26) workweeks) in a rolling 12-month period measured backwards from the date the employee's leave starts. Use of paid time off during FMLA Leave does not extend the total duration of job protection under the FMLA beyond the maximum FMLA Leave period. If an employee needs additional leave time beyond the maximum FMLA Leave period, and provided the employee is not approved for disability leave benefits, the additional requested leave will be considered a request for leave as an accommodation under the ADA, if applicable.

I. Returning to Work

- Before returning to work from any medical leave for the employee's own serious health condition (whether or not covered under the FMLA), the employee must provide a medical provider's release to return to work to Aflac or the Leaves Team, confirming that the employee is medically able to return to work and listing any work restrictions, if applicable, unless the employee's original medical certification provided a return to work date and the employee is returning to work as indicated. The employee will not be allowed to return to work unless and until this medical certification is received.
- Unless otherwise permitted by law, an employee returning from a qualified protected leave of absence in a timely manner (i.e., on the next workday following expiration of the employee's approved FMLA Leave) is entitled to reinstatement in the same or comparable position (e.g., a position with the same wage and level of responsibility) in which the employee was employed prior to the leave.
- If the employee is unable to perform the essential functions of the employee's position upon their return from Leave, the Company will engage in an interactive process to identify possible reasonable accommodations or attempt to locate an alternative position for the employee for which the employee is qualified, as required by law. The Company will reasonably accommodate employees with disabilities as required by law. Employees, however, have no greater right to

employment than if they had been continuously employed rather than on leave.

5 Domestic Partner Leave

A. Eligibility

To be eligible for Domestic Partner Leave, an employee must:

- Have worked for the Company for at least 12 months prior to the leave start date; and
- Have worked at least 1,250 hours in the 12 months prior to the leave start date.

B. Using Domestic Partner Leave

Provided that all conditions of this policy are met, an employee may take a maximum of twelve (12) workweeks of leave in a rolling 12-month period to care for the employee's domestic partner who has a serious health condition. The twelve (12) month period is measured backwards from the date the employee's leave starts. To the extent that the employee may be eligible for family medical leave for their domestic partner under federal or state leave laws, the Company's Domestic Partner Leave will run concurrently with such other leave benefits. Use of paid time off during Domestic Partner Leave does not extend the leave's duration beyond twelve (12) workweeks in a rolling 12-month period.

C. Medical Certification

- All requests for Domestic Partner Leave must be supported by medical certification from a health care provider.
- The certification form will be provided by Aflac. Certification must generally be provided before the leave begins, or for unforeseeable leaves, within fifteen (15) calendar days of the leave start date.
- If an employee fails or refuses to provide the medical certification within the required timeframe, the Company may delay the commencement of the employee's leave or deny the leave, in which case the employee's time away from work would be treated as unapproved time away from work, potentially subjecting the employee to disciplinary action, up to and including termination of employment.
- Under appropriate circumstances, Aflac may request a second or third opinion from a health care provider.
- Requests for leave extensions beyond the period supported by the medical certification require an updated medical certification, which must be submitted to Aflac prior to the expiration of the leave.

D. Intermittent Leave

Domestic Partner Leave may be taken intermittently or on a reduced schedule where medically necessary. Aflac may request certification or recertification of the need for intermittent leave from a health care provider once every thirty (30) days, under appropriate circumstances, such as in the case of a request for a leave extension.

E. Domestic Partner Leave's Effect on Pay

Domestic Partner Leave is an unpaid Company benefit. However, in some cases, employees may be eligible for state-sponsored benefits or may use their available paid time off balance as detailed further in this policy. All payments of wage-replacement benefits and paid time off will be integrated so that employees will receive no more than their regular compensation during their leave. The use of paid benefits will not extend the length of a Domestic Partner Leave.

F. State Paid Family Leave (PFL) Programs

An employee who needs to take time off from work to care for a domestic partner who is registered

in a state that offers PFL benefits may be eligible for partial wage continuation benefits through state PFL programs. Employees should check with the Leaves Team or their specific state's website for information about available, partial-wage continuation programs that may be available.

G. Returning to Work

Before returning to work from continuous domestic partner leave, the employee must confirm their return-to-work date with Aflac or the Leaves Team.

6 Company Paid Parental Leave

Company Paid Parental Leave entitles eligible employees to take up to ten (10) weeks of company-paid leave (in addition to available state or local paid time) for the birth of a child(ren) or for placement of a child(ren) in the employee's family for adoption.

A. Eligibility

All regular employees regularly scheduled to work at least thirty (30) hours a week are eligible to receive Company Paid Parental Leave. Temporary employees / TEAs, interns, and part-time employees regularly scheduled to work fewer than thirty (30) hours per week are not eligible. This leave will run concurrently with any FMLA Leave to which an employee may be entitled, as applicable. Adoptions of a new spouse's child are excluded from this policy.

B. Using Company Paid Parental Leave

Provided that all conditions of this policy are met, an employee may take a maximum of ten (10) workweeks of leave in a rolling 12-month period for the birth or adoption of a child(ren) for the purposes of bonding. The twelve (12) month period is measured backwards from the date the employee's leave starts. The Company Paid Parental Leave benefit is in addition to any available state leave benefits, and thus employees may be eligible for parental leave that exceeds 10 workweeks.

C. Certification – Proof of Birth or Adoption

- All requests for Company Paid Parental Leave must be supported by medical certification from a health care provider, proof of birth, or adoption paperwork.
- The certification form will be provided by Aflac. Certification must generally be provided before the leave begins, or for unforeseeable leaves, within fifteen (15) calendar days of the first day of leave.
- If an employee fails or refuses to provide the required certification within the required timeframe, the Company may delay the commencement of the employee's leave or deny the leave, in which case the employee's time away from work would be treated as unapproved time away from work, potentially subjecting the employee to disciplinary action, up to and including termination of employment.

D. Intermittent Parental Leave

Company Paid Parental Leave may be taken intermittently or on a reduced schedule. Each absence for intermittent leave must be reported to Aflac within two (2) days of each separate occurrence. Company Paid Parental Leave must be concluded within one (1) year of the birth or adoption event.

E. Company Paid Parental Leave's Effect on Pay

Company Paid Parental Leave is a company-paid benefit, and employees are not required to use their paid time off to receive payment during the Company Paid Parental Leave period.

1. Employees may use up to ten (10) weeks of Company Paid Parental Leave towards the leave.

- a. Employees may integrate the ten (10) weeks of company-paid leave with applicable state or local paid family leave (PFL) programs and/or paid time off, not to exceed 100% of their regular compensation.
- b. Employees who are ineligible for or are not receiving benefit payments from the Company Paid Parental Leave or state PFL programs may use their available paid time off during the leave, not to exceed 100% of their regular compensation.

2. State PFL Programs

Employees may be eligible for partial wage replacement benefits through applicable state programs for time off taken to bond with a new child(ren). Employees should check with their specific state or contact the Leaves Team for information about PFL programs that may be available.

F. Benefits During Paid Parental Leave

The Company will continue making contributions to employees' group health benefits during approved Company Paid Parental Leave, on the same terms as if the employee had continued to actively work. Similarly, the employee's regular benefit deductions will be taken out of the paid leave as if the employee was receiving their regular salary during the 10-week leave period.

G. Returning to Work

Before returning to work from continuous parental leave, the employee must confirm their return-to-work date with Aflac or the Leaves Team.

7 Company Paid Compassion Leave

Company Paid Compassion Leave entitles eligible employees to take up to ten (10) workweeks of company paid leave for specified immediate family members with a terminal illness during the family member's last twelve (12) months of life.

A. Eligibility

All regular employees regularly scheduled to work at least thirty (30) hours a week are eligible to receive Compassion Leave pay. Temporary Employees/TEAs and interns are not eligible for Company Paid Compassion Leave. This leave may run concurrently with any FMLA Leave or state family leave to which an employee may be entitled, where applicable.

B. Using Compassion Leave

Provided all the conditions of this policy are met, an employee may take a maximum of ten (10) workweeks in a rolling twelve (12) month period to care for and/or spend time with the employee's spouse or domestic partner, child/step-child, or parent/step-parent who is terminally ill with up to twelve (12) months' life expectancy. The twelve (12) month period is measured backwards from the date the employee's leave starts.

C. Medical Certification

- All requests for Compassion Leave must be supported by medical certification from a health care provider for the family member's terminal health condition.
- The certification form will be provided by Aflac. Certification must generally be provided before the leave begins, or for unforeseeable leaves, within fifteen (15) calendar days of the leave start date.
- If an employee fails or refuses to provide the required certification within the required timeframe, the Company may delay the commencement of the employee's leave or deny the leave, in which case the employee's time away from work would be treated as unapproved time

away from work, potentially subjecting the employee to disciplinary action, up to and including termination of employment.

- Under appropriate circumstances, Aflac may request a second or third opinion from a health care provider.
- Requests for leave extensions beyond the period supported by the medical certification require an updated medical certification, which must be submitted to Aflac prior to the expiration of the leave.

D. Intermittent Leave

Compassion Leave may be taken intermittently or on a reduced schedule where medically necessary. Each absence for intermittent leave must be reported to Aflac within two (2) days of each separate occurrence. Aflac may request certification or recertification of the need for intermittent leave from a healthcare provider once every thirty (30) days.

E. Compassion Leave Effect on Pay

Compassion Leave is a company-paid benefit. Employees may use up to ten (10) weeks of Compassion Leave pay towards the leave. Employees may also be eligible for benefit payments from applicable state programs, including possibly partial wage continuation under state paid family leave programs in the case of time taken off to care for a seriously and/or terminally ill qualified family member. Employees may use paid time off to supplement their paid leave benefits during the leave, not to exceed 100% of their regular compensation.

Employees should check with their specific state or the Leaves Team for information about state benefits that may be available.

F. Returning to Work

Before returning to work from continuous compassion leave, the employee must provide/confirm their return to work date with Aflac or the Leaves Team.

8 Military Leave for Employee's Own Military Service

All employees are entitled to time off without pay for active military duty in any of the armed services of the United States, for a period not to exceed five (5) cumulative years, subject to certain exceptions, or inactive duty as a member of the organized reserve forces of any of the armed services of the United States ("Military Leave").

A. Eligibility

The Company will grant employees Military Leave to the extent required by applicable law. The actual leave time available to an employee will depend on the time of military service.

B. Requesting Military Leave

An employee requesting Military Leave should contact Aflac and the Leaves Team to report the upcoming Military Leave. Verbal notice is sufficient, but the Company may request documentation from the employee. The Company requests notice at least thirty (30) days before the leave start date, if possible. If giving notice is impossible or unreasonable for reasons not attributable to the employee, notice should be provided as soon as possible.

C. Military Leave's Effect on Pay

All regular employees working at least thirty (30) hours a week are eligible to receive military differential pay (the difference between an employee's normal base compensation and the pay the employee receives while on military duty) for up to twelve (12) months. Employees must submit military pay verification data to the Leaves Team (Leaves@activisionblizzard.com). An employee

who has exhausted their 12 months of differential pay will be granted unpaid military leave for the remainder of the approved Military Leave.

D. Returning to Work

Employees will be reinstated in accordance with applicable laws, including the Uniformed Services Employment and Reemployment Rights Act (“USERRA”). For further information, please contact the Leaves Team.

E. Benefits During Military Leave

During a Military Leave, an employee’s health (medical, dental, vision, etc.) benefits, and those of their dependents if covered under the Company plan, will be continued for the duration of the Military Leave, for a period not to exceed five (5) cumulative years.

Employees will be responsible for the employee portion of the total cost of the health insurance benefit during the leave.

F. Accrual of Time During Military Leave

Employees on a Military Leave, like employees on other leaves of absences, will not continue to accrue vacation time during the leave. However, upon their return from Military Leave, employees will be treated as if they had remained continuously employed for purposes of calculating paid time off accrual as well as pay and benefits. If an employee on Military Leave terminates their employment with the Company before returning from Leave, the Company will calculate benefits owed at termination, if applicable, as though the employee had been continuously employed during their approved Military Leave.

9 Military-Related FMLA Leave

The military family leave provisions of the FMLA entitle eligible employees to take FMLA leave for any “qualifying exigency” arising from the foreign deployment of the employee’s spouse, child, or parent with the Armed Forces (“Qualifying Exigency Leave”), or to care for a servicemember with a serious injury or illness if the employee is the servicemember’s spouse, child, parent or next of kin (“Military Caregiver Leave”). Collectively, Military Caregiver Leave and Military Exigency Leave are referred to in this policy as Military Family Leave. Military Caregiver Leave and Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

A. Eligibility

To be eligible for Military Family Leave under the FMLA, an employee must:

- have worked for the Company for at least twelve (12) months prior to the leave start date; and
- have worked at least 1,250 hours in the twelve (12) months prior to the leave start date.

Certain states may offer similar military leave benefits and eligibility requirements may vary.

B. Military Family Leave: Qualifying Exigency Leave

Eligible employees may take up to twelve (12) workweeks during any rolling 12-month period for qualifying exigencies that arise when the employee’s spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

- “Covered active duty” means: (1) for members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or (2) for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation. Deployment to a foreign country includes deployment to international waters.

- “Qualifying exigencies” for which an employee may take Military Family Leave include making alternative childcare arrangements for a child of the deployed family member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member’s absence.

C. Military Family Leave: Military Caregiver Leave

The Company grants eligible employees up to twenty-six (26) workweeks during a single 12-month period to care for a covered service member with a serious injury or illness. The employee must be the spouse, child, parent, or next of kin to the covered servicemember.

- “Covered servicemember” means: (1) a current member of the Armed Forces (including member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or (2) a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes Military Caregiver Leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.
- For a current servicemember, a “serious injury or illness” is one that may render the servicemember medically unfit to perform their military duties.
- For a veteran, a “serious injury or illness” is one that rendered the veteran medically unfit to perform their military duties or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran’s ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

Employees may also contact the Leaves Team to obtain more information on Military Family Leaves.

D. Certification

Employees seeking Military Family Leave may be required to provide certifications. Aflac will request the applicable supporting documentation and provide certification forms where applicable.

- An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member’s active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed, and the employee’s relationship to the military member, within fifteen (15) days of the leave start date.
- An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or Covered Servicemember and completed by an authorized health care provider within fifteen (15) days of the leave start date. Military Caregiver Leave is subject to the other provisions in our FMLA Leave policy (requirements regarding employee eligibility, notice of the need for leave, use of paid time off, etc.).

10 Workers’ Compensation Leave

Workers’ compensation laws cover workplace injuries and illnesses. Workers’ compensation is governed by state law and each state’s system differs slightly. Generally, workers’ compensation is an insurance benefit to cover an employee’s lost wages and medical expenses due to a workplace injury or illness.

A. Eligibility

The Company grants Workers' Compensation Leaves in accordance with state law. Employees who become injured or become disabled, resulting in lost working time, may be eligible for a Workers' Compensation Leave. Subject to any limitations permitted by law, eligible employees are usually entitled to take an unpaid leave of absence for the time the employee is unable to work due to a work-related injury.

B. Initiating a Workers' Compensation Leave

Employees must notify the Leaves Team if they have a need to initiate a Workers' Compensation Leave. The Leaves Team will initiate a claim with Chubb, the Company's workers' compensation insurance carrier, and simultaneously notify Aflac. When and if a workers' compensation claim is approved by Chubb, the employee will be paid workers' compensation benefits through Chubb, not the Company. If an employee reports a work-related injury or illness, the Company may open a workers' compensation claim on the employee's behalf.

In some cases, employees who become injured or have a work-related injury may still be able to work, with or without work restrictions, and will not need a Workers' Compensation Leave. In other cases, if the employee is unable to work due to a work-related illness or injury, the employee should submit a request for a leave of absence to Aflac and/or the Leaves Team immediately upon discovery of their need for a Workers' Compensation Leave. Other documentation may be required.

C. Medical Certification

- An employee requesting Workers' Compensation Leave must provide Aflac with a medical certification from a health care provider. The medical certification form is available from Aflac. Any request for an extension of a Workers' Compensation Leave must be supported by an additional medical certification and must be provided at least two (2) weeks prior to the leave's expiration, where practicable.
- Upon returning to work after a Workers' Compensation Leave, an employee is required to provide the Leaves Team with a medical certification from their health care provider stating that the employee is released to return to work. The certification form should detail any applicable work restrictions. The employee will not be allowed to return to work unless and until this medical certification is provided.

D. Workers' Compensation Benefits' Effect on Pay

Employees will not receive pay from the Company for time spent on Workers' Compensation Leave. With respect to the first day of injury/illness, an employee who is medically ordered to leave their scheduled shift early due to the work injury/illness will be paid for the entire shift; provided, however, the employee must report the injury/illness on the day it occurs. When and if a workers' compensation claim is approved by the Company's workers' compensation insurance carrier, the employee will be paid workers' compensation benefits through Chubb. However, employees may use paid time off benefits during the waiting period.

E. Returning to Work

- The Company will attempt to reinstate an employee returning from Workers' Compensation Leave to the same position in which the employee was employed before the leave and, if applicable, provide reasonable accommodations for any work restrictions the employee may have upon the employee's return to work.
- If the same position is no longer available (Or if the employee is unable to perform the essential functions of the position even with a reasonable accommodation), the Company will attempt to locate an alternative available position for which the employee is qualified. The Company will reasonably accommodate employees with disabilities as required by law. Employees, however,

have no greater right to employment than if they had been continuously employed rather than on leave.

11 Leave of Absence as an Accommodation (ADA Leave)

If an employee has a need for a leave of absence related to their own medical condition but has exhausted or is ineligible for other available leave benefits, the Company will consider the employee's eligibility for leave as a reasonable accommodation, in accordance with the Americans with Disabilities Act of 1990, as amended ("ADA"), the Pregnant Workers Fairness Act, and other comparable state laws such as the Fair Employment and Housing Act ("FEHA" – CA Only). The purpose of leave as an accommodation is to give employees time to become able to perform the essential functions of their job upon return to work. Therefore, the need for leave must be related to a qualifying disability or medical condition.

Leave provided as a reasonable accommodation is unpaid. Employees may be required to use and/or exhaust their available paid time off in connection with leave as an accommodation, to the extent permitted by applicable law.

Employees may initiate an accommodation request directly by emailing the Accommodations Team (Accommodations@activisionblizzard.com).

Employees will be required to provide medical documentation to support their eligibility and need for leave as an accommodation. The Accommodations Team will provide employees seeking leave as an accommodation with a certification form. The Accommodations Team will require an updated medical certification for requests for leave extensions beyond the period supported by the prior medical certification(s). If an employee fails or refuses to provide the required certification within the required timeframe, the Company may delay the commencement of the employee's leave or deny the leave, in which case the employee's time away from work would be treated as unapproved time away from work, potentially subjecting the employee to disciplinary action, up to and including termination of employment.

Employees should provide the same notice of their need for leave as an accommodation as for any other leave of absence. The length of the leave will be determined on a case-by-case basis.

12 Personal Leave of Absence

Unprotected Personal Leaves, which are non-medical leaves of absence for employees that are not protected by the FMLA or other state or federal laws, may be granted on a discretionary basis when compelling reasons exist, and the leave does not create an unreasonable burden on the Company's business. If granted, the total leave time may not exceed 26 weeks in any 3-year period.

Employees should notify the Leaves Team of their request for a personal leave of absence as soon as they are aware of the need for such leave.

Personal leaves of absence are unpaid. Employees will be required to use and/or exhaust their paid time off during a personal leave of absence.

13 Other Leaves of Absence

Leaves Required by Law: Employees will be granted other leaves of absence to the extent required by law, including without limitation for the purpose of fulfilling certain legal and other obligations and proceedings.

Bereavement Leave: The Company provides eligible employees with five (5) days of paid bereavement leave, per incident. Additionally, in the case of a sudden, unexpected loss of certain family members,

employees may be granted up to ten (10) weeks of paid Extended Bereavement Leave. More information on both standard Bereavement Leave and Extended Bereavement Leave benefits can be found in our SupportDesk Article: [“US Time Away From Work”](#).

Other Time Away from Work: The Company provides eligible employees with other time away from work that is not covered by this policy. For more information on other time away from work, please review our SupportDesk Article: [“US Time Away From Work”](#).

Anyone with questions about these other leaves of absence should contact the Leaves Team (Leaves@activisionblizzard.com).

14 State Appendices

In addition to the leaves of absence detailed above, we have highlighted some additional leaves of absence available to employees under state laws. These are not exhaustive, and if you have a need for leave you should contact the Leaves Team to understand all options that may be available to you.

- [California Appendix](#)
- [Massachusetts Appendix](#)
- [New Jersey Appendix](#)
- [New York Appendix](#)
- [Washington State Appendix](#)

Appendix A: California Supplement

The leave benefits included in this California Supplement are available only to California employees, subject to the specified eligibility criteria. This Appendix is not an exhaustive list of benefits that may be available. Employees are encouraged to contact the Leaves Team as soon as they become aware they may have a need for leave, to discuss benefits that may be available to them.

1 California Family Rights Act (CFRA) Leave

CFRA entitles eligible California employees to take unpaid, job-protected leave for specified reasons. The maximum amount of leave an eligible employee may use is twelve (12) weeks within a rolling twelve (12) month period, measured backward from the start date of CFRA Leave.

A. Eligibility

To be eligible for CFRA Leave, the employee must:

- Have worked for the Company for at least twelve (12) months prior to the leave start date; and
- Have worked at least 1,250 hours for the Company in the last twelve (12) months before the leave start date.

B. Reasons for Taking CFRA Leave

CFRA leave may be taken for:

- Birth of employee's child or the placement of a child with the employee for foster care or adoption, for purposes of bonding so long as the leave is completed within twelve (12) months of the child's birth or placement;
- The serious health condition of the employee's spouse, registered domestic partner, child, parent, parent-in-law, grandparent, grandchild, sibling or a designated person who has a serious health condition;
- The employee's own serious health condition that makes the employee unable to perform the functions of their position, except for leave taken for disability because of pregnancy, childbirth or related medical conditions (See Section 2 of this Appendix, "Pregnancy Disability Leave"); or
- For certain qualifying exigencies related to the covered active duty or call to covered active duty of employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

A "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. Employees will be limited to identifying one (1) designated person per twelve (12) month period.

C. Runs concurrently with FMLA Leave

In most circumstances, CFRA leave will run concurrently with FMLA Leave. However, CFRA leave will not run concurrently with FMLA leave for leave reasons that do not qualify for both CFRA and FMLA leave.

D. Medical Certification

Employees will be required to provide a medical certification for CFRA Leave relating to medical issues (i.e., the serious health condition of an employee or family member).

E. Intermittent Leave

CFRA Leave taken for an employee's own serious health condition or the serious health condition of the employee's family member may be taken intermittently or on a reduced schedule where medically necessary. Leave due to military exigencies may also be taken on an intermittent or reduced leave schedule basis. Each absence for intermittent leave must be reported to Aflac within two (2) days of each

separate occurrence.

F. CFRA Leave's Effect on Pay

CFRA Leave is unpaid by the Company. Depending on the reason for the CFRA Leave, some employees may be eligible for state paid benefits, including possibly State Disability Insurance (SDI).

Additionally, some employees may be eligible for **Paid Family Leave** benefits. Specifically, employees who need to take time off from work to care for a seriously ill family member (child, spouse, parent, registered domestic partner, parent-in-law, grandchild, grandparent, or sibling), to bond with a new child, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, domestic partner, child or parent in the U.S. Armed Forces may be eligible for a partial wage continuation program through the state of California. Employees should visit the EDD website for more information (http://edd.ca.gov/Disability/FAQ_PFL_Eligibility.htm). The PFL benefits described in this section are a state-provided partial wage replacement benefit, not a protected leave of absence.

Employees may obtain a brochure discussing their rights and obligations under the CA PFL program and a CA PFL benefit claim form from the Employment Development Department of the state of California at the website above or from the Leaves Team.

2 California Pregnancy Disability Leave (PDL)

PDL entitles eligible employees to up to four months (17 1/3 weeks) of disability leave due to pregnancy, childbirth, or a related medical condition.

A. Eligibility

In California, any employee disabled due to pregnancy, childbirth or related conditions may take PDL for the period of time they are actually disabled, up to a maximum of four months (17 1/3 weeks) (693 hours for employees working a 5-day per week schedule) per pregnancy.

B. Runs Concurrently with Other Leave

PDL will run concurrently with any FMLA Leave to which the employee may be entitled but will not run concurrently with CFRA Leave in California.

C. Pregnancy-Related Accommodation

An employee affected by pregnancy is entitled to a temporary transfer to a less strenuous position or another accommodation as long as the request is supported by proper medical certification that the requested transfer/accommodation is medically advisable, and the transfer or other requested accommodation can be reasonably accommodated pursuant to applicable law. Employees are "affected by pregnancy" if they are pregnant or have a related medical condition and their health care provider has certified that it is medically advisable for the employee to temporarily transfer or to receive some other accommodation.

Additionally, if an employee needs further medical leave after exhausting PDL, the leave request will be reviewed as a request for a reasonable accommodation.

Employees may initiate a request for reasonable accommodation by emailing Accommodations@activisionblizzard.com.

D. Medical Certification

All requests for PDL, transfer, or accommodation must be certified by medical certification from a health care provider.

E. Intermittent Leave

PDL may be taken intermittently or on a reduced schedule, as required by law.

F. PDL's Effect on Pay

PDL is unpaid leave. Employees may use paid time off during any portion of a PDL. If the employee is receiving state-paid and/or short-term disability benefits, the employee may use paid time off to supplement these benefits during leave. Use of paid time off during PDL does not extend the total duration of PDL.

3 San Francisco Supplemental Compensation

Employees in San Francisco may also be entitled to supplemental compensation for new child bonding and military leave.

A. San Francisco Supplemental Compensation for New Child Bonding

Pursuant to the San Francisco Paid Parental Leave Ordinance ("SFPPLO"), the Company will provide supplemental compensation to an eligible employee during employment when the employee receives California PFL benefits from the State of California to bond with a minor child during the first year after the child's birth or placement through foster care or adoption. Supplemental Compensation provided under this policy will be fully integrated with any wage-replacement benefits employees may receive under the Company Paid Parental Leave policy. To the extent that this policy is more generous than any new child bonding wage replacement benefit provided for in the Company Paid Parental Leave, this policy will apply. Supplemental compensation and California PFL benefits together will not exceed 100% of an employee's weekly salary and are subject to a maximum weekly benefit amount.

1. Eligibility

Employees who perform work within San Francisco are eligible if they:

- are eligible to receive PFL compensation under the California PFL law for the purpose of new child bonding;
- began employment at least 180 calendar days before the first day of leave for which California PFL benefits for new child bonding are payable; and
- perform at least eight (8) hours per week for the Company in San Francisco, and at least 40% of their total weekly hours worked for the Company are in San Francisco.

2. Duration and Timing of Supplemental Compensation

An eligible employee may receive supplemental compensation for a period of up to eight weeks. The timing of an employee's receipt of supplemental compensation will depend on when the Company receives the Notice Computation and confirmation that the employee has received the first California PFL benefits payment. Upon receipt of the required information, the Company will make a good faith effort to process the initial supplemental compensation payment in the next full pay period. To the extent possible, any additional supplemental compensation payment(s) will be processed in accordance with the Company's established pay schedule.

3. Calculation of Supplemental Compensation

Supplemental compensation, which includes up to two weeks of accrued vacation time, is provided to an eligible employee so that, in combination with the California PFL benefit, the eligible employee may receive approximately 100% of the employee's weekly wages, subject to the "Maximum Weekly Benefit Amount." In the case of an eligible employee whose weekly wages exceed the ceiling on the amount an employee can receive under the California PFL and San Francisco Supplemental Compensation benefit programs, the amount of supplemental compensation will be subject to the ceiling. This means that the employee will not receive 100% of their normal gross weekly wage, and instead the amount they will receive will be calculated by dividing the "Maximum Weekly Benefit Amount" by the percentage rate of wage replacement provided under the California PFL benefit law. The Company may recalculate the amount of supplemental compensation provided to an employee in situations where the employee's leave is

intermittent and the employee's weekly wages decrease between the time the employee receives the first increment of PFL benefits and any subsequent period where the benefits are for the same leave to ensure the employee does not exceed the ceiling.

During the period when eligible employees are receiving California PFL benefits, the Company requires them to use up to two weeks of accrued, unused vacation benefits that will be applied toward the Company's supplemental compensation obligation. If the employee does not agree to use vacation benefits during the California PFL period, the Company will not be obligated to provide supplemental compensation. An employee's decision not to allow use of vacation benefits will not impact the employee's leave eligibility or prevent them from receiving California PFL benefits.

4. Effect of Separation from Employment

If an employee is involuntarily separated from employment during the new child bonding period for which the employee is receiving supplemental compensation, the Company will continue to provide supplemental compensation for that period during which the employee continues to receive California PFL benefits.

If an employee voluntarily separates from employment within ninety (90) days of the end of the California PFL period for new child bonding, the employee will be required to reimburse the Company for the full amount of supplemental compensation paid to them, upon receiving a written request for reimbursement from the Company.

5. Required Documentation for Supplemental Compensation

Before receiving any supplemental compensation, an employee must either (1) provide the Company with a copy of the Notice of Computation of PFL Benefits; or (2) authorize the State to disclose the employee's California PFL weekly benefit amount to the Company at the time the employee applies for California PFL benefits.

Employees must also complete a San Francisco Paid Parental Leave form (the "SFPPLO Form"). In section 3 of the SFPPLO Form, employees must execute an agreement to reimburse the full amount of supplemental compensation received from the Company in the event that they voluntarily separate from employment, as described in this policy.

Employees who are receiving California PFL benefits for intermittent new child bonding leave must provide the Company with the schedule of intermittent leave they have submitted to the State and notify the Company of any changes in that schedule.

Employees who fail to provide any or all of the required documentation will be disqualified from receiving supplemental compensation.

B. San Francisco Military Leave Pay Protection

Employees who (1) perform work within San Francisco; (2) are a member of the reserve corps of the United States Armed Forces, National Guard, or other uniformed service of the United States, and (3) must take leave from their job for military duty, may be eligible for supplemental pay for up to 30 days of leave taken for military duty in a calendar year. Contact the Leaves Team for more information.

Appendix B: Massachusetts Supplement

The leave benefits included in this Massachusetts Supplement are available only to Massachusetts employees, subject to the specified eligibility criteria. This Appendix is not an exhaustive list of benefits that may be available. Employees are encouraged to contact the Leaves Team as soon as they become aware they may have a need for leave, to discuss benefits that may be available to them.

1 Massachusetts Paid Family and Medical Leave (MA PFML)

MA PFML entitles eligible employees to take job-protected, partial-paid leave for specified reasons. The maximum amount of leave an eligible employee may use is twenty-six (26) weeks within a rolling twelve (12) month period, measured backward from the leave start date.

A. Eligibility

To be eligible for MA PFML, the employee must:

- Be a current employee, a covered 1099-MISC contractor, or a former employee who is within 26 weeks post-separation;
- Experience a qualifying event (see “Reasons for Taking MA PFML”); **and**
- Meet the Massachusetts Department of Family Medical Leave’s (DFML) financial eligibility earnings requirements⁴ during the last four completed calendar quarters, and earned at least thirty (30) times the weekly benefit amount.

B. Reasons for Taking MA PFML

Qualifying reasons taking MA PFML:

- The birth of a child for bonding purposes (up to 12 weeks);
- Placement of a child in the employee’s family for adoption or foster care (up to 12 weeks);
- The employee’s own serious health condition (up to 20 weeks)
- The serious health condition of the employee’s spouse, domestic partner, child, stepchild or domestic partner’s child, parent, stepparent, parent’s domestic partner, parents of your spouse or domestic partner, grandchild, step-grandchild, domestic partner’s grandchild, grandparent, step-grandparent, or grandparent’s domestic partner, sibling, step-sibling, or family members who are related through *in loco parentis*, custodial/non-custodial care, and/or as a legal ward (up to 12 weeks);
- To manage affairs while a family member is on active duty or caring for a family member who was injured serving in the armed forces (up to 26 weeks).

C. Runs concurrently with Other Leave

This leave may run concurrently with FMLA, Massachusetts Parental Leave Act leave, and any other leave to which an employee may be entitled.

D. Requesting MA PFML

Employees must file claims for PFML benefits directly with the Massachusetts Department of Family and Medical Leave using the Department’s forms. The Department’s contact information is:

Email: MassPFML@Mass.gov

Website: www.mass.gov/DFML

Phone:

- For questions about benefits and eligibility: (833) 344-7365
- For questions about contributions and exemptions: (617) 466-3950

⁴ The dollar threshold is periodically updated by the Massachusetts Department of Unemployment Assistance. For 2023, the dollar amount threshold was \$6,000.

Employees will be required to submit to the Department additional documentation supporting the need for leave. Required documentation may include, for example, a birth certificate or adoption paperwork for leave upon the birth or placement of a child, or a medical certification from a healthcare provider for leave to care for the employee's or a family member's serious health condition.

If possible, employees must provide at least 30 days' advanced written notice to Aflac and/or the Leaves Team, specifying the anticipated leave start date, anticipated leave length, and the expected return to work date. Written notice includes, but is not limited to, handwritten or typed notices, and all forms of written electronic communications such as text messages and email.

If the employee is unable to provide at least 30 days' notice due to circumstances beyond their control, the employee must provide notice as soon as practicable. Failure to provide timely notice may result in a partial denial or delay in an employee's receipt of PFML. A request for an extension must be filed 14 calendar days before the original approved leave expires, unless good cause for the delay is shown.

Employees who are planning medical treatment should consult with the Company in advance of an application to the Department and make a reasonable effort to schedule the treatment that will not unduly disrupt the Company's business operations (subject to approval from the employee's health care provider).

The MA PFML Department will not accept an application for benefits if proper notice is not made to the Company as described above.

E. Certification

All requests for MA PFML based on the serious health condition of an employee or family member must be supported by medical certification from a health care provider. Supporting documentation may also be required for MA PFML taken for the purpose of new child bonding time or military leave. If applicable, the certification form will be provided by Aflac.

F. Intermittent Leave

- MA PFML may be taken intermittently for the birth or placement of a child. Bonding leave must be concluded within one (1) year of the qualifying event.
- MA PFML taken for the serious health condition of the employee or a family member, or to care for a family member who is a covered servicemember, may be taken intermittently or on a reduced schedule where medically necessary.
- Each absence for intermittent leave must be reported to Aflac within two (2) days of each separate occurrence.

G. MA PFML's Effect on Pay

MA PFML taken for the employee's own serious medical condition, to care for a family member with a serious medical condition, bond with a child or for military leave provisions is paid by the state of Massachusetts. Employees may use paid time off to supplement their paid leave benefits during the leave, not to exceed 100% of their regular base pay. Use of paid time off does not extend the total duration of job protection. Employees who are ineligible for or are not receiving benefit payments from the MA PFML program may use their available paid time off during the leave, not to exceed 100% of their regular base pay.

Employees may obtain a brochure discussing their rights and obligations under the MA PFML program and a MA PFML benefits claim form from the Massachusetts State Paid Family and Medical Leave [website](#) or from the Leaves Team.

Appendix C: New Jersey Supplement

The leave benefits included in this New Jersey Supplement are available only to New Jersey employees, subject to the specified eligibility criteria. This Appendix is not an exhaustive list of benefits that may be available. Employees are encouraged to contact the Leaves Team as soon as they become aware they may have a need for leave, to discuss benefits that may be available to them.

1 New Jersey Family Leave Insurance (NJ FLI)

Eligible employees may be eligible for up to 12 weeks of state-provided family leave insurance (FLI) benefits through the Division of Temporary Disability Insurance (the Division) when they take time off for qualifying reasons.

A. Eligibility

Employees who have worked at least 20 base weeks in the year preceding the leave or earned in total at least 1,000 times the applicable minimum wage during the prior year are eligible to apply for FLI benefits. The Division determines whether an employee is eligible for benefits.

B. Reasons for Receiving NJ FLI

Qualifying reasons for receiving NJ FLI:

- To bond with a child during the first twelve (12) months after the child's birth if the employee or employee's domestic partner or civil union partner is a biological parent, or the parent pursuant to a valid gestational carrier agreement, or after the placement of a child for adoption or foster care;
- To care for a family member with a serious health condition;
- When the employee or employee's family member is a victim of an incident of domestic violence or a sexually violent offense; or
- During a state of emergency declared by the Governor and the employee is required to provide in-home care or treatment to a covered family member because:
 1. A healthcare provider or the commissioner or other public health authority has issued a determination that the family member's presence in the community may jeopardize the health of others; and
 2. The provider or authority recommends, directs or orders the employee's family member be isolated or quarantined as a result of suspected exposure to a communicable disease.

"Covered Family Member" means an employee's child, spouse, domestic partner, civil union partner, sibling, grandparent, grandchild, parent, parent-in-law or any other individual related to the employee by blood or who has a close association with the employee that is the equivalent of a family relationship. A "child" includes a biological, adopted, foster or stepchild; legal ward; or a child of an employee's domestic partner or civil union partner or a child who becomes the employee's child pursuant to a valid written agreement with a gestational carrier. A "parent" includes a biological parent, foster parent, adoptive parent or stepparent of the employee or a person who was a legal guardian of the employee when the employee was a child or who became the parent of the child pursuant to a valid written agreement with a gestational carrier.

C. Intermittent Leave

Employees may file claims for intermittent periods of time when medically necessary to care for a seriously ill family member or when taking time off to bond with a newborn or newly adopted child, including a child who becomes the child of a parent pursuant to a valid written agreement between the parent and a gestational carrier or the placement of a foster care child with the employee. Employees may also file claims for intermittent one-day periods of time when the employee or employee's family member is a victim of an incident of domestic violence or a sexually violent offense, to engage in activities for which an employee can take unpaid leave under the NJ Safe Act

D. Amount and Duration of FLI

The weekly FLI benefit is generally 85% of the employee's average weekly wage and is subject to a state-imposed caps. The maximum benefit is generally 12 weeks (or 56 intermittent days) during a 12-month period or one-third of the employee's base year earnings, whichever is less.

When applicable and allowed under applicable law, FLI benefits will run concurrently with leave time available under the New Jersey Family Leave Act or federal Family and Medical Leave Act. Employees are permitted to use any accrued but unused paid time, including health time, during a period of family temporary disability leave. FLI benefits will not be paid for any period during which the employee receives paid sick leave, vacation time or other leave from the Company at full pay.

Appendix D: New York Supplement

The leave benefits included in this New York Supplement are available only to New York employees, subject to the specified eligibility criteria. This Appendix is not an exhaustive list of benefits that may be available. Employees are encouraged to contact the Leaves Team as soon as they become aware they may have a need for leave, to discuss benefits that may be available to them.

1 New York Paid Family Leave (NY PFL)

NY PFL entitles eligible employees to take to take job protected, paid leave for qualifying reasons, up to a maximum of twelve (12) workweeks in a 12-month period measured backwards from the leave start date.

A. Eligibility

To be eligible for NY PFL, the employee must:

- Work a regular schedule of 20 or more hours per week and have worked 26 consecutive weeks prior to leave start date; or
- Work a regular schedule of less than 20 hours per week and have worked 175 days before the leave start date (the days do not need to be consecutive)

B. Reasons for Taking NY PFML

Qualifying reasons for taking NY PFL:

- Birth of a child or placement of a child in the employee's family for adoption or foster care, for purposes of bonding during the first twelve (12) months following the qualifying event;
- Provide physical or psychological care in connection with the serious health condition of the employee's child, stepchild, parent, stepparent, parent-in-law, grandparent, grandchild, spouse or domestic partner registered in the State of New York;
- For a "qualifying exigency" as defined under the federal FMLA arising from the active duty military service (or notification of an impending call to active duty) of an employee's spouse, domestic partner, child, or parent.

C. Runs concurrently with Other Leave

This leave may run concurrently with any FMLA leave to which an employee may be entitled.

D. Certification

All requests for NY PFL based on the serious health condition of an employee or family member must be supported by medical certification from a health care provider. Supporting documentation may also be required for NY PFL taken for the purpose of new child bonding time or military leave. If applicable, the certification form will be provided by Aflac.

E. Intermittent Leave

- NY PFL may be taken intermittently for the birth or placement of a child. Bonding leave must be concluded within one (1) year of the qualifying event.
- NY PFL taken for the serious health condition of the employee or a family member, or to care for a family member who is a covered servicemember, may be taken intermittently or on a reduced schedule where medically necessary.
- Each absence for intermittent leave must be reported to Aflac within two (2) days of each separate occurrence.

F. NY PFL's Effect on Pay

NY PFL taken for to care for an eligible family member with a serious medical condition, bond with a child or for military leave provisions is paid by the state of New York. Employees may use paid time off to supplement their paid leave benefits during the leave, not to exceed 100% of their regular base pay. Employees who are ineligible for or are not receiving benefit payments from the NY PFL program may use

their available paid time off during the leave, not to exceed 100% of their regular base pay.

Employees may obtain a brochure discussing their rights and obligations under the NY PFL program and a NY PFL benefits claim form from the New York State Paid Family Leave website (<https://paidfamilyleave.ny.gov/>) or from the Leaves Team.

Appendix E: Washington State Supplement

The leave benefits included in this Washington State Supplement are available only to Washington employees, subject to the specified eligibility criteria. This Appendix is not an exhaustive list of benefits that may be available. Employees are encouraged to contact the Leaves Team as soon as they become aware they may have a need for leave, to discuss benefits that may be available to them.

1 Washington Paid Family and Medical Leave (WA PFML)

WA PFML entitles eligible employees to take leave with partial wage replacement for qualifying reasons.

A. Eligibility

To be eligible for WA PFML, the employee must:

- Experience a qualifying event; and
- Work 820 hours within the qualifying period.

“Qualifying period” means the first four out of the last five completed calendar quarters or, if eligibility is not established, the last four completed quarters immediately before the employee applies for leave.

B. Reasons for Taking WA PFML

Qualifying reasons for taking WA PFML:

- To bond with the employee’s child during the first 12 months following the child’s birth, or the first 12 months after the placement of a child under the age of 18 with the employee for adoption or foster care;
- The serious health condition of the employee’s covered family member; or
- To attend to a “qualifying exigency,” as defined under the federal Family and Medical Leave Act (“FMLA”), arising from the “covered active duty” (as defined by the WA PFML) of an employee’s covered family member as a member of the military reserves, National Guard, or Armed Force
- During the seven (7) calendar days following the death of a family member for whom the employee would have qualified for medical leave due to the birth of the employee’s child or would have qualified for family leave for the purpose of bonding following the child’s birth or placement

“Covered Family Member” means the employee’s spouse or state-registered domestic partner, child, parent, grandparent, grandchild, or sibling. It also includes any individual who depends on the employee for care and either (1) regularly resides in the employee’s home; or (2) is in a relationship that creates an expectation that the employee will care for them. “Covered Family Member” does not include an individual who resides in the same home as the employee with no expectation that the employee care for them.

C. Runs concurrently with Other Leave

When both the FMLA and the WA PFMLA apply, the leave provided by each will count against the employee’s entitlement under both laws, and leave taken under the FMLA will run concurrently with leave taken under the WA PFMLA.

WA PFML is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth. When an employee takes leave for pregnancy disability under both the WA PFMLA and Pregnancy Disability Leave, the two leaves will run concurrently, but an employee’s WA PFML entitlement does not limit the amount of Pregnancy Disability Leave the employee may be entitled to.

D. Certification

All requests for WA PFML based on the serious health condition of an employee or covered family member must be supported by medical certification from a health care provider. Supporting documentation may also be required for WA PFML taken for the purpose of new child bonding time or military leave.

E. Intermittent Leave

- WA PMFL may be taken intermittently for the birth or placement of a child. Bonding leave must be concluded within one (1) year of the qualifying event.
- Each absence for intermittent leave must be reported to Aflac within two (2) days of each separate occurrence.

F. WA PFML's Effect on Pay

WA PFML is determined and administered by the Employment Security Department ("Department"), not the Company. The Company will not require employees to use paid time off benefits before, in place of, or concurrently with WA PFML. An employee may choose whether to take Company-provided paid time off; however, such benefits will be supplemental to WA PFML and an employee may not use more supplemental benefits than will be required to provide the employee with a total of 100% of their pay for the absence. In any week in which an employee is eligible to receive benefits under federal or state unemployment compensation, industrial insurance, or disability insurance laws, the employee may be disqualified from receiving WA PFMLA wage replacement benefits.

When taking WA PFMLA for reasons other than family leave for a qualifying exigency, medical leave taken upon the birth of a child or family leave taken for bonding after the birth or placement of the employee's child, payment of wage replacement benefits is subject to a waiting period of seven consecutive calendar days. The waiting period begins on the Sunday of the first week an eligible employee starts taking paid family or medical leave. A waiting period does not reduce the maximum duration of an employee's available paid family or medical leave. Employees may use available vacation, sick leave (if applicable), or other Company-provided paid time off during the waiting period.

G. Amount of WA PFML

In a "Benefit Year", employees may be entitled to one of the following:

- 12 weeks of paid family leave;
- 12 weeks of paid medical leave;
- 14 weeks of paid medical leave if the employee experiences a pregnancy-related serious health condition that results in incapacity;
- 16 weeks of combined paid family and paid medical leave; or
- 18 weeks of combined paid family and paid medical leave if the employee experiences a pregnancy-related serious health condition that results in incapacity.

"Benefit Year" means a period of 52 consecutive calendar weeks beginning on Sunday of the week of the employee's timely and complete application to the Department. Employees will only have one "Benefit Year" at a time. For employees who are eligible for leave based upon incapacity due to pregnancy or for prenatal care, leave taken during the first six (6) weeks after birth (the "postnatal period") will be presumed to be paid medical leave, unless the employee's medical leave entitlement is fully or partially exhausted prior to the child's birth, or the employee chooses to use paid family leave, if available, during that postnatal period.

Employees may obtain a brochure discussing their rights and obligations under the WA PFML program and a WA PFML benefits claim form from the Washington State Paid Family Leave website above or from the Leaves Team.

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