



Donor and Surrogacy Assistance Program

We know everyone's parenthood journey is different. Whatever route you take, you can count on our support. Starting January 1, 2021, NVIDIA will offer reimbursement for Donor and Surrogacy Related Expenses incurred and submitted while you are an Eligible Employee under the NVIDIA Donor and Surrogacy Assistance Program (the "Program").

Eligible Employee. "Eligible Employee" means a (1) regular full-time or part-time employee of NVIDIA, (2) who is a U.S.-based employee or a U.S. expatriate who is working abroad, and (3) normally scheduled to work 20 hours or more weekly. Interns, independent contractors, leased employees and consultants are not eligible for the Program. The Eligible Employee must be the "intended parent" who is building their family through the use of third-party reproduction (e.g., egg, sperm, or embryo donation and/or surrogacy arrangements), and who is intended to become the child's legal parent once it is born.

Donor Assistance Reimbursement Program. This 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 Food & Drug Administration (FDA) regulated egg/sperm bank, agency, or provider's office by providing reimbursement for a portion of the associated expenses. This reimbursement is subject to taxation and withholding due to current tax law. **You are responsible for ensuring your donor agreement complies with applicable law.**

Donor Related Eligible Expenses. This Program will reimburse Donor Related Expenses incurred and submitted while you are an Eligible Employee. "Donor Related Expenses" are expenses reasonably and directly related to the costs for the procurement of donor egg(s) and donor sperm through FDA regulated egg/sperm banks, agencies, or provider's offices that were actually paid by you and are not Ineligible Expenses. Donor Related Expenses include:

- One year of storage for donor egg(s) and donor sperm
- Subscription fees
- Shipping fees
- Reasonable and necessary travel expenses for the donor (including amounts spent for meals and lodging while away from home)
- 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
- Screening costs for donor including psychological clearance, genetic carrier screening, FDA infectious disease screening, and fertility screening exams

If both parents are employees of NVIDIA, expenses are reimbursed only once per donation. This Program has no lifetime maximum.



Donor and Surrogacy Assistance Program

Donor Related Ineligible Expenses. The following are ineligible expenses that are not Donor Related Expenses and are not reimbursable under this Program:

- 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 January 1, 2021 or while an employee is not covered by the Program as an Eligible Employee;
- Expenses incurred before you are an Eligible Employee or after you cease to be an Eligible Employee;
- Claims submitted after you cease to be an Eligible Employee under the terms of the Program; and
- Any expenses not expressly stated as included shall be deemed to be excluded.

Surrogacy Assistance Reimbursement Program. This Program provides financial assistance for Surrogacy Related Expenses incurred by Eligible Employees, which are not reimbursed or paid for from any other source. This reimbursement is also subject to taxation and withholding due to current tax law. **You are responsible for ensuring your surrogate agreement complies with applicable law.**

Surrogacy Related Eligible Expenses. This Program will reimburse Surrogacy Related Expenses incurred and submitted while you are an Eligible Employee. "Surrogacy Related Expenses" are expenses reasonably and directly related to a U.S.-based surrogacy that were actually paid by you and are not Ineligible Expenses. Surrogacy Related Expenses include:

- Surrogacy agency fees
- Court costs (related only to the transfer of child to Eligible Employee)
- Legal fees (related only to the transfer of child to Eligible Employee).¹
- Fees associated with the purchase of fresh or already frozen donor tissue
- Consultant/specialist fees
- Reasonable and necessary medical expenses incurred by the surrogate 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

¹ The Program will not pay for/reimburse any expenses for legal disputes (or related court costs).



Donor and Surrogacy Assistance Program

- Reasonable and necessary lodging and travel expenses of the Eligible Employee and/or their spouse/domestic partner, or the surrogate, provided that such travel: (1) is within the United States*; (2) is associated with the U.S.-based surrogacy; (3) occurs on or after the date a valid surrogacy contract is executed; and (4) is completed within one month after delivery.

*Note: Under limited circumstances, the Plan may reimburse lodging and travel expenses outside the United States provided that the Eligible Employee demonstrates to the Claims Administrator's satisfaction that the expenses are reasonably and directly related to a U.S.-based surrogacy.

If both parents are employees of NVIDIA, expenses are reimbursed only once per child. This Program has no lifetime maximum.

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

- Expenses associated with a surrogacy contract/agreement outside the United States or expenses associated with a surrogate who does not reside in the United States;
- Guardianship or custody costs that are not associated with the surrogacy;
- Expenses incurred prior to January 1, 2021 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;
- Claims submitted after you cease to be an Eligible Employee under the terms of the Program;
- Cost of living expenses and/personal items such as: transportation to doctor's appointments, special food or over-the-counter supplements, maternity clothing, rent, utilities, toys, furniture;
- 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;
- Expenses for surrogacy arrangements that are not legally recognized;
- Any expenses that violate state or federal law;
- Fine, penalty or other loss (including attorneys' fees) related to a surrogate agreement imposed by a state or local government agency or court of law (for example, because the surrogate agreement violates state or 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 and/or legal parenting rights;
- Any costs associated with transferring and/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 surrogate;
- Voluntary contributions such as donations;
- Any childcare expenses;
- Any federal and/or state taxes incurred by the surrogate related to the surrogacy arrangement between the Eligible Employee and the surrogate;



Donor and Surrogacy Assistance Program

- 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 material (e.g. cryopreservation of tissue, blood and blood products);
- Any costs associated with destroying any eggs, sperm, or embryos; and
- Any expenses not expressly stated as included shall be deemed to be excluded.

Tax Implications. All amounts that are reimbursed will be subject to federal and state taxes (and all applicable withholdings). You may want to consult your tax advisor for further information. Note: Any taxes that your donor or surrogate may incur related to your donor or surrogacy arrangement are not eligible for reimbursement by NVIDIA or this Program.

Donor Assistance Claims. All claims for reimbursements must be submitted in writing to WINFertility (“WIN”), using the specific forms provided by WIN’s Specialty Services Department. All claims must be submitted no later than 180 days from the date the donor treatment cycle or purchase is completed. If the Program approves your claim, you will be reimbursed within 3-4 payroll cycles. If the Program denies your claim, it will do so within 60 days of receiving your request for reimbursement and you will have the right to appeal (described below).

NOTE: All claims must be submitted to WIN while you are eligible to participate in the Program. Any claims submitted after you cease to be eligible for the Program (e.g., after you terminate employment with NVIDIA) are not eligible for reimbursement under the Program.

Surrogacy Assistance Claims. All claims for reimbursements must be submitted in writing to WIN, using the specific forms provided by WIN’s Surrogacy Specialist. Surrogacy claims may be submitted at three (3) times in the surrogacy process:

1. After first non-refundable payment is made to the agency
2. After final non-refundable payment is made to the agency.
3. When the surrogacy is finalized (i.e., once the child is born and the Eligible Employee has a copy of the birth certificate naming the Eligible Employee’s as the legal parent).

All claims must be submitted no later than 180 days from the date the surrogacy was finalized. If the Program approves your claim, you will be reimbursed within 3-4 payroll cycles. If the Program denies your claim, it will do so within 60 days of receiving your request for reimbursement and you will have the right to appeal (described below).

NOTE: All claims must be submitted to WIN while you are eligible to participate in the Program. Any claims submitted after you cease to be eligible for the Program (e.g., after you terminate employment with NVIDIA) are not eligible for reimbursement under the Program.



Donor and Surrogacy Assistance Program

Appeals. If your claim for Donor Assistance or Surrogacy Assistance benefits are denied by the Program, you or your authorized representative may request an appeal. To request an appeal, you must send a letter requesting the appeal and include any additional information you want considered within 180 days of the date you receive the claim denial letter to:

WINFertility, Inc.
1 American Lane
Greenwich, CT
06831
Attn: NVIDIA Donor and
Surrogacy

If you decide to appeal, the denial will be reviewed and you will be provided with a written determination of your appeal. You will receive a decision within 60 days after WINFertility receives your complete appeal.

General Provisions. All Program benefits are paid by NVIDIA (the “employer”) from its general assets. The employer has the sole discretionary authority to interpret the Program and to make all benefit determinations. The employer has delegated such authority to WINFertility. Any determinations by the employer and WINFertility are final and binding. The employer has the right to amend or terminate this Program at any time, with or without notice.

NVIDIA will administer this Program in compliance with the applicable requirements of Internal Revenue Code Section 409A. Those requirements are:

1. An objectively determinable nondiscretionary definition of the expenses eligible for reimbursement. See Surrogacy Related Expenses above.
2. The reimbursement of expenses is incurred during an objectively and specifically prescribed period. In this case, that period is during employment with NVIDIA.
3. The amount of expenses eligible for reimbursement during a calendar year may not affect the expenses eligible for reimbursement in any other calendar year.
4. The reimbursement of an eligible expense is made on or before the last day of the employer’s taxable year following the taxable year in which the expense was incurred.
5. The right to reimbursement is not subject to exchange for another benefit.

All provisions of this Program will be interpreted to be consistent with the above requirements.



Donor and Surrogacy Assistance Program

FREQUENTLY ASKED QUESTIONS AND ANSWERS

Can I use both the adoption reimbursement and the surrogacy reimbursement for the same event, if both sets of costs are incurred? No. Per federal tax law, the Adoption Assistance Plan does not apply to expenses incurred in connection with any surrogate parenting arrangement.

Does the addition of the child, resulting from the surrogacy process, qualify as a change in status for benefit purposes and does that mean I can change or update my benefits accordingly? Yes, the addition of your child as your dependent does qualify as a change in status and you are able to change many (but not all) of your benefit plan selections (for example, you could make a change to your medical and dental coverage). You will need to timely report the change and follow the requirements of the applicable benefit program.