

Bath & Body Works Adoption and Surrogacy Reimbursement Program Policy – U.S.

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

Before you begin the adoption/surrogacy process, contact WINFertility for information about all aspects of the Program, including details about eligibility and covered expenses. You can reach a WINFertility Service Team Member at: 844-343-0667, Monday - Friday 9:00 a.m. - 7:30 p.m. EST. More details are also available at <https://managed.winfertility.com/bathbodyworks>

In addition, WIN is available to assist Eligible Associates with information, tools, resources and experienced fertility professionals who can provide guidance throughout the surrogacy journey. Eligible Associates are not required to use all the resources of the Program, including WIN’s network of surrogacy agencies. For details, contact WIN at 844-343-0667 and ask to be connected to WIN’s Specialty Services Department.

Eligibility

To be eligible for reimbursement under the Program, at the time (1) the adoption/surrogacy is “**Legally Finalized**”, (2) expenses are incurred, (3) reimbursement is requested, and (4) reimbursement is made, you must meet the following requirements:

- Be a core full-time associate or part-time legacy* associate
 - A legacy associate is defined as a part-time home office and DC associate hired prior to 1/1/2004
- Intend to become the legal parent of the child adopted or of the child born through a U.S.-based surrogate (an “Intended Parent”).

This surrogacy benefit is designed to support a BBW Eligible Associate who is the Intended Parent. An individual who meets the above eligibility requirements is an “Eligible Associate.” No benefits are provided under the Program for a BBW associate or spouse/domestic partner acting as a surrogate. Spouses, domestic partners, and dependents of Eligible Associates are not eligible to participate in the Program.

What is “Legally Finalized”?

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

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

Benefits Summary

The Program provides reimbursement of up to \$20,000 per occurrence* for certain costs associated with adoption and surrogacy arrangements that are Legally Finalized on or after January 1, 2023. Note: “per occurrence” shall be defined as follows:

- Individual expenses or treatments will not be considered an ‘occurrence’. Surrogacy will be deemed to be a single occurrence only upon the birth of a child (or children) regardless if the gestational carrier pregnancy results in the birth of a single child or multiple children.

Adoption will be deemed to be a single occurrence if the adoption agreement specifies that multiple children are to be adopted.

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

Eligible Expenses

Eligible Associates may be reimbursed for Eligible Expenses (defined below) of up to a combined total of \$20,000 per occurrence resulting from any legal adoption or surrogacy occurrences. If you and your spouse or domestic partner are both Eligible Associates, your combined reimbursable expenses remain limited to \$20,000 resulting from any legal adoption or surrogacy occurrences.

The following costs are eligible for reimbursement to the Eligible Associate include:

- Court costs, legal costs, and attorney’s fees
- U.S.-based adoption and surrogacy agency fees
- Travel expenses for the Intended Parents or gestational carrier specifically related to the adoption or surrogacy occurrence
- Egg/sperm donation agency fees
- Fees charged by the surrogacy agency to administer the surrogacy occurrence
- Screening costs for gestational carrier and egg or sperm donor
- Egg or sperm retrieval fees, IVF, and medical costs, if not covered by another source
- The cost of transfer of the embryo to the gestational carrier
- Donor fertility costs and fees not covered by another source
- Egg or sperm shipping and transport fees
- Pregnancy medical expenses related to surrogacy not covered by another source
- Immigration and immunization fees associated with an adoption or surrogacy occurrence
- Unreimbursed medical expenses of the child(ren) and/or birth mother/surrogate
- Expenses for adopting your step-child, your domestic partner’s child, or your nephew, niece, cousin, brother, sister or grandchild

Eligible Associates may seek assistance for both adoption and surrogacy expenses for the same child, but in no event will the amount reimbursed exceed a combined total of \$20,000 per occurrence.

Ineligible Expenses

Any cost that is not an eligible expense is not eligible for reimbursement. Ineligible expenses include:

- Any surrogacy arrangement or adoption that is not legally valid and recognized in the U.S.
- Any expenses that violate a state, federal or local law
- Compensation to gestational carrier or birth mother
- Compensation to egg or sperm donor
- Voluntary donations or contributions to the surrogacy agency or adoption agency
- Costs paid using funds from any federal, state, or local program for surrogacy or adoption
- Expenses incurred prior the Eligible Associate's most recent hire date
- Guardianship or custody costs that are not associated with the legal adoption or surrogacy of the child
- Cost of living expenses and/personal items such as: rent, utilities, food, clothing, over-the-counter supplements, toys, furniture, etc.
- Loss of income, including but not limited to, loss of income due to complications of pregnancy such as bed rest for birth mother/surrogacy
- Any childcare expenses
- Any costs associated with transferring and/or terminating a surrogacy arrangement
- Expenses reimbursed under another employer program
- Any expenses not expressly stated as included shall be deemed to be excluded

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

Reimbursement Application Process

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

- **Enroll with WINFertility:** Eligible Associates MUST enroll with WINFertility by speaking to a member of the WIN Specialty Services team.
- **Apply for Reimbursement:** Eligible Associates may apply for reimbursement for Eligible Expenses once the adoption or surrogacy has been Legally Finalized, **but no later than 60 days** from the date the adoption or surrogacy is Legally Finalized.
 - **Note: Eligible** Associates may apply for an initial reimbursement for up to \$5,000 (per occurrence) only after the associate has entered into contract with an adoption and surrogacy agency, and incurred a minimum of \$5,000 in non-refundable expenses as a result of said contract. The balance of eligible expenses may be submitted for reimbursement once the adoption or surrogacy has been legally finalized.

- Complete and submit your **Adoption and Surrogacy Reimbursement Application**, available from WINFertility, along with the **Required Documentation** and **Itemized Receipts** to:

WINFertility, Inc.

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

OR email to: WINSpecialtyServices@WIN-Healthcare.com

- Within 45 days of the receipt of all necessary documentation, a reimbursement check for approved expenses will be issued to you through your normal biweekly payment method (i.e. direct deposit or pay card)
- **Required Documentation for Adoption:** Copy of signed agency agreement and a notarized copy of the adoption decree or a notarized court order. For all foreign adoptions, proof the adopted child legally resides with the Eligible Associate in the U.S., such as U.S. Passport, U.S. Visa, or U.S. Birth Certificate.
- **Required Documentation for Surrogacy:** Copy of signed agency agreement and a copy of the certified birth certificate and copy of notarized court order acknowledging parentage of the Intended Parent(s) as the child's permanent legal parent(s)

- **Itemized Receipts**

Include copies of original itemized bills on company letterhead, along with itemized receipts and proof of payment, such as cancelled checks or bank statements, showing payment has been made for all eligible expenses being submitted for reimbursement. You may submit claims in excess of the allowable benefit; but the benefit will be reimbursed only up the maximum of \$20,000. Please submit all documentation together, as claims will be reviewed in their entirety.

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

The legality of an adoption or surrogacy agreement may vary from state to state. It is your responsibility to make sure the adoption or surrogacy relationship you are entering into conforms with all laws and regulations before submitting eligible expenses for reimbursement under the Program. BBW will only provide this benefit to support adoption or surrogacy arrangements that comply with all applicable laws and may deny payment for any international adoption or surrogacy arrangements that are not processed by an agency in the U.S.

Paying Taxes on the Reimbursement

It is intended that benefits paid under the Program may be excludable from your income for federal income taxes to the extent permitted under Internal Revenue Code § 137. Generally, only expenses incurred in connection with the adoption of an unrelated child who is under the age of 18 or mentally or

physically incapable of self-care are eligible for this exemption. Benefits paid for the adoption of a step-child or any expenses for a surrogacy arrangement are not eligible for this exemption. You are responsible for understanding the tax treatment of reimbursements under this Program and for claiming any applicable income exclusion by filing Form 8839 with your federal income taxes. (Form 8839 and Instructions are available from the IRS and on the IRS website at www.irs.gov.)

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

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

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

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

General Provisions

The Program operates on a calendar-year basis. Associates are not required or permitted to contribute to the Program. All Program benefits are to be paid by BBW from its general assets. BBW retains the sole discretionary authority to interpret the Program, to make eligibility and benefit determinations, and to make factual determinations in connection with the Program. Any determinations of BBW (or, as applicable, WINFertility) are final and binding. BBW intends to continue the Program indefinitely but has the right to terminate or amend the Program at any time.

If You are on a Leave of Absence

You can apply for benefits under the Adoption or Surrogacy Reimbursement Program while you are on an approved leave of absence and you continue to remain benefits eligible, but you will not be reimbursed until you are actively at work. You must still submit your reimbursement request to WIN within 60 days from the date the adoption or surrogacy was Legally Finalized.

If You Leave BBW Employment

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

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This Policy is provided as a summary. Interpretation of Policy is made at the discretion of BBW by the Human Resources Department. BBW reserves the right to modify, amend or terminate any of its policies and/or associate benefit programs at any time for any reason.