

## **Exemption from Expanded FMLA Leave for Paid Leave Due to Closing**

WHEREAS, on March 18, 2020, the American Dental Association (ADA) recommended that all dental practices defer elective procedures and provide only emergency procedures as a result of the impact of the coronavirus; and

WHEREAS, the Centers for Medicare and Medicaid Services (CMS), and the U.S. Surgeon General have made the same recommendation; and

WHEREAS, in compliance therewith, the practice has suffered a severe decline in practice production.

NOW, THEREFORE, in consideration of these factors, the Company does hereby adopt the following resolution.

The Company shall be exempt from the expanded FMLA leave due to this closing because: 1) the leave would cause the Company's expenses and financial obligations to exceed available business revenues and cause the small business to cease operating at a minimal capacity; or 2) the absence of the employee requesting leave would put the Company's operational or financial health at risk because of the employee's specialized skills, knowledge of the business, or responsibilities; or 3) there are not enough employees with the requisite skills who are available to perform the work that the employee performs, and that the employee's "labor or services are needed for the Company to operate at a minimal capacity."

This resolution adopted this \_\_\_\_\_ day of May, 2020.

Corporate President

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