

What Employers Need to Know About Monkeypox

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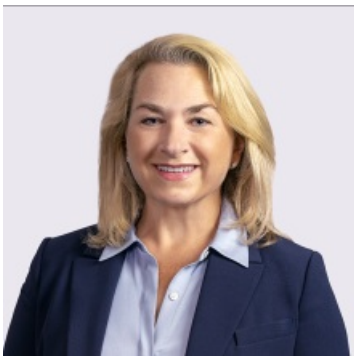
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Monkeypox (MPV) is the latest virus to catch wide attention. But it is important for employers to keep in mind that MPV is not COVID-19. Nevertheless, there are steps employers can take.

Background

On July 23, 2022, the Director of the World Health Organization (WHO) declared MPV a public health emergency of international concern. In addition, a growing number of states, including California, Illinois, and New York, have declared a state of emergency due to the MPV outbreak. Most recently, on August 4, 2022, the federal government declared MPV a public health emergency.

Importantly, while MPV has been declared a public health emergency, it does not yet trigger the types of employer obligations seen with the COVID-19 pandemic. Instead, such a designation permits greater access to funding, increased vaccine production and distribution, data sharing, and the like.

MPV Facts

While MPV cases are on the rise, there are several key distinctions employers should note between MPV and COVID-19 — the most important of which is how the disease is transmitted.

Unlike COVID-19, according to the Centers for Disease Control and Prevention (CDC), MPV is not an airborne disease, rather it spreads primarily through close, personal, often skin-to-skin contact, such as:

- Direct contact with monkeypox rash, scabs, or body fluids from a person with monkeypox.
- Touching objects, fabrics (clothing, bedding, or towels), and surfaces that have been used by someone with monkeypox.
- Contact with respiratory secretions — usually from prolonged face-to-face contact.
- Intimate contact, including:
 - Sex and sexual contact
 - Hugging, massage, and kissing
 - Prolonged face-to-face contact
 - Touching fabrics and objects during sex that were used by a person with monkeypox and that have not been disinfected, such as bedding, towels, and sex toys

While MPV can be transmitted through respiratory secretions, through prolonged face-to-face contact, it is not considered an airborne disease like COVID-19. According to the CDC, in social gatherings, the amount of close, personal, skin-to-skin contact drives the risk of transmission. For many businesses, the risk of MPV spread or outbreaks at work is likely low.



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The CDC has identified the following [symptoms](#) of MPV:

- Fever
- Headache
- Muscle aches and backache
- Swollen lymph nodes
- Chills
- Exhaustion
- Respiratory symptoms (*e.g.*, sore throat, nasal congestion, or cough)
- A rash that will go through several stages, including scabbing, before healing.

According to the CDC, symptoms usually present within three weeks of exposure to the virus. It may take up to four days for a rash to present following onset of flu-like symptoms.

Workplace Considerations

Although MPV is less easily transmitted than COVID-19, there are several considerations employers may want to consider in terms of addressing positive MPV cases in the workplace.

1. Safety Prevention Plans:

While the CDC and state and local departments of health continue to study the rate and method of transmission of MPV, and as guidance continues to develop, employers may wish to take proactive measures to educate their employees and avoid misinformation in the workplace. These measures may include communicating to employees how MPV can be transmitted, encouraging employees to remain home when ill, and encouraging employees to take precautions to wash their hands and disinfect their work areas, and maintaining sanitizer and other disinfecting products to help ensure the safety of the workplace. Like COVID-19, plans may vary based on the workplace. For example, the CDC has issued specialized guidance for healthcare and congregate workplace settings: [Infection Prevention and Control of Monkeypox in Healthcare Settings](#)

2. Isolation When an Employee is Diagnosed With MPV:

The CDC advises that individuals who have MPV should isolate and remain outside of the workplace for the duration of their illness, until all symptoms have resolved. This may last anywhere from two weeks to four weeks and may vary by individual.

The CDC has not issued guidance for employers outside of healthcare and congregate setting workplaces.

Employers with employees who test positive for MPV should encourage them to isolate and remain out from work, and to consult with their healthcare providers and local health departments. Local health departments around the country are tracking and issuing guidance on how to address cases of MPV. Employers should review applicable state and local paid leave laws to see if employees are entitled to paid leave due to MPV.

3. Close Contact Notification and Quarantine:

Other than for employers of healthcare and congregate care settings, the CDC has not issued any guidance regarding whether employers should notify employees who have

had direct contact with someone positive for MPV while they were symptomatic, to encourage exposed employees to monitor themselves for symptoms. CDC's guidance for exposure does not recommend quarantine at this time, provided that the exposed individuals remain asymptomatic. Instead, the guidance supports recommending exposed individuals monitor themselves for symptoms for up to 21 days and take their temperatures twice daily. Provided that exposed individuals remain asymptomatic, the CDC guidance states that exposed individuals may continue daily activities, including attending work or school.

It is anticipated that local health departments will become involved in contact tracing when they are alerted by healthcare providers of an MPV diagnosis in their jurisdiction. Employers should check applicable state and local guidance and requirements for employer contact tracing obligations, if any. In the event contact tracing obligations apply, employers should be careful not to disclose the identity of the employee who is ill with MPV.

4. EEO Considerations:

Because one way that MPV can be spread is by sexual contact, employers may want to consider taking steps to avoid the stigma potentially associated with MPV and remind their employees of applicable anti-discrimination and harassment policies. Any policies or memos addressing MPV may want to include language that MPV can be acquired by all people, regardless of gender identity or sexual orientation.

5. ADA Considerations Regarding Protecting Confidentiality, Medical Inquiries, and Exams:

Employers will want to keep in mind the confidentiality obligations under the Americans with Disabilities Act and applicable state and local law. Disability-related medical inquiries and medical examinations of current employees must be job-related and consistent with business necessity.

Jackson Lewis attorneys will continue to monitor the developing MPV guidance relevant to employers. If you have questions about MPV or related employment issues, please reach out to the Jackson Lewis attorney with whom you work or any member of our

Disability, Leave and Health Management Group

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