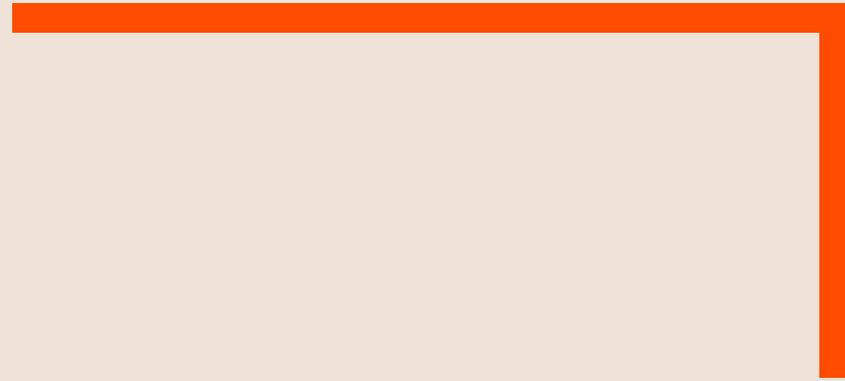


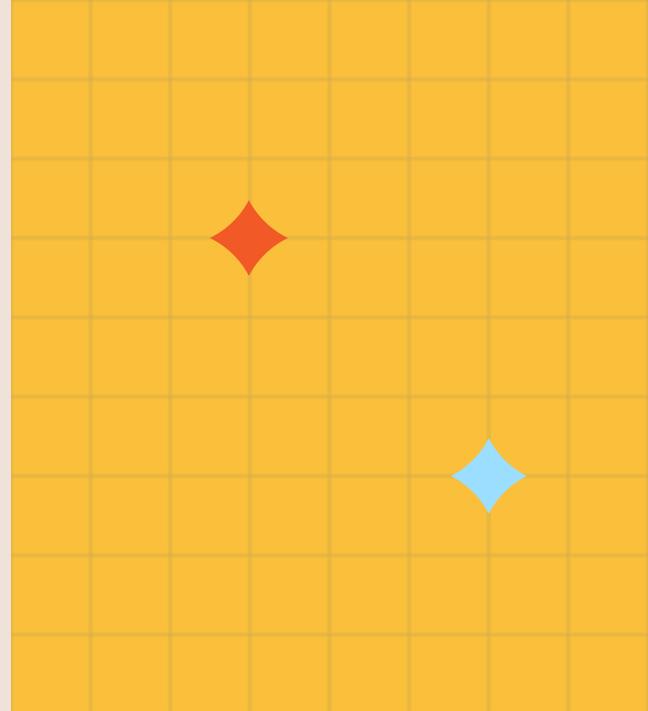
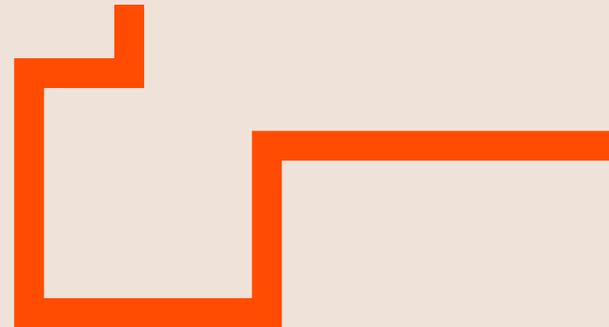
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# Monkeypox: What Employers Need to Know

Presented by Kara Govro, JD, SPHR

September 14, 2022  
Not medical or legal advice

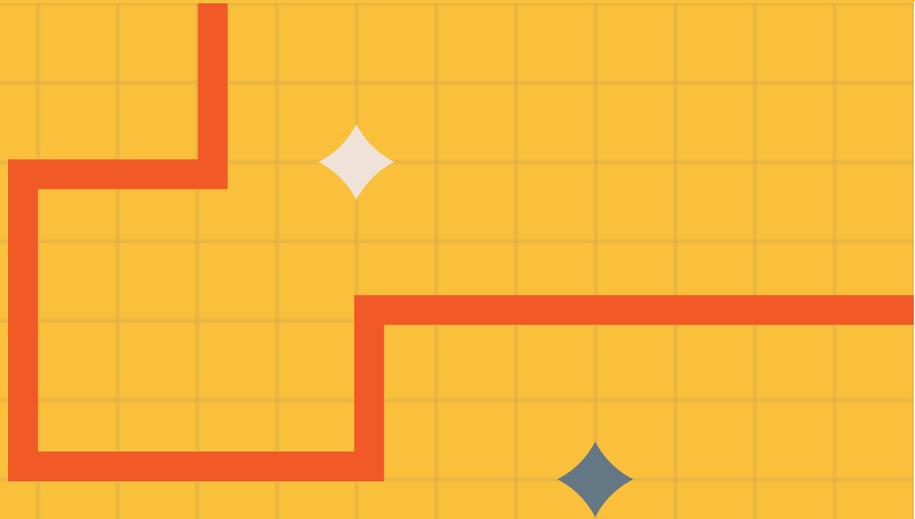




# Webinar 101

- You will get a copy of the slides and a recorded version of the webinar
  - Feel free to talk amongst yourselves in the Chat
  - Please use the Q&A box to submit questions to Kara
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# Agenda



- What is Monkeypox
- Dealing with a Diagnosis
- Applicable Leaves
- Making the Workplace Safe
- Work from Home Best Practices

# What is Monkeypox?

# Monkeypox Basics

- Monkeypox is a disease caused by a virus (MPV, MPX, hMPXV) from the same family of viruses as smallpox
- It's not a new virus, but it's spreading in ways that it hasn't in the past, so there's more to learn
- Takes 2-4 weeks for a standard infection to clear
- There are vaccines (JYNNEOS and ACAM2000) but they are in relatively short supply
- While currently being transmitted most commonly through sexual contact, monkeypox is not a sexually transmitted disease
- There are no treatments specifically for monkeypox virus infections. But because of their genetic similarities, antiviral drugs used to treat smallpox may be used to treat monkeypox infections.
- The type of monkeypox circulating in the U.S. (Claude IIb) is rarely fatal, but people with weakened immune systems, children under 8 years of age, people with a history of eczema, and people who are pregnant or breastfeeding may be more likely to get seriously ill or die.

# Symptoms

Symptoms *may* include:

- Fever
- Headache
- Muscle aches and back aches
- Chills
- Sore throat, nasal congestions, cough
- Rash that can look like pimples or blisters that appears on the face, inside the mouth, and on other parts of the body, like the hands, feet, chest, genitals, or anus



# How it's Spreading Now: What We Know

Monkeypox can spread from the time symptoms start until the rash has fully healed and a fresh layer of skin has formed. It spreads via:

- 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



# How it's Spreading Now: What We Don't Know

More research is needed on:

- If the virus can be spread when someone has no symptoms
- How often monkeypox is spread through respiratory secretions, or when a person with monkeypox symptoms might be more likely to spread the virus through respiratory secretions
- Whether monkeypox can be spread through semen, vaginal fluids, urine, or feces



# Dealing with a Monkeypox Diagnosis

# Treat it like any other virus

Treating an employee poorly due to a monkeypox diagnosis could potentially violate the ADA and could easily turn into a Title VII claim of discrimination based on sex, sexual orientation, or gender identity.

Don't make assumptions about how someone contracted monkeypox. It doesn't matter.



# If an Employee is Infected: Going, Staying, Returning

If possible, someone who is sick should isolate at home and work with their healthcare provider to determine when to return (usually 2-4 weeks). But if they can't, the CDC provides the following risk assessment and suggestions:

Intermediate risk:

- Work in a separate space away from others with all lesions fully covered and wearing a well-fitting mask. Limit time in the workplace as much as you can. Do not use shared spaces like breakrooms, common bathrooms, meeting rooms, etc.
- Disinfect work surfaces after finishing work there

Higher risk:

- Maintain as much distance between themselves, co-workers, and the public as they can
- Wear a well-fitting mask and cover rash while around others
- Disinfect surfaces that could be used by others in common areas like breakrooms, bathrooms, and meeting rooms

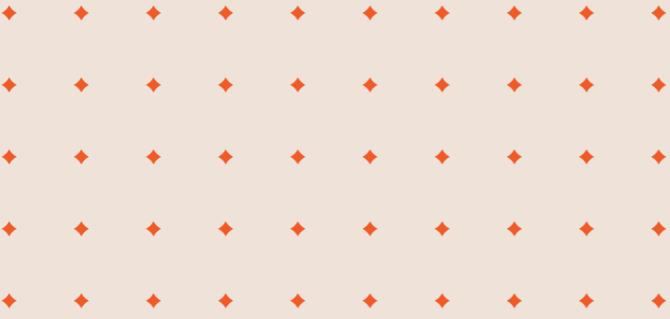
# Notifying Other Employees

Employees should be notified of potential exposure in the workplace but **should not be told *who* is sick.**

But remember - this isn't COVID. Employees who were only in the same space as someone who is diagnosed with monkeypox likely have very little risk and likely won't need warnings about exposure.

*Call your local health authority for help determining who, if anyone, should be notified.*





## Quarantine After Exposure

Currently, quarantine after exposure is not recommended, but an exposed person should self-monitor for symptoms for 21 days.

Someone who is exposed may want to speak with a healthcare provider or public health authority for guidance. Prompt vaccination may be recommended.

# **Making the Workplace Safe (apply as needed based on risk)**



## Personal Hygiene

- If you're in an area or industry with a high rate of infection, consider requiring employees with a higher risk of *exposure in the workplace* to wear gloves. (Do not, for instance, require people you know to be gay to wear gloves at work when others are not required to do the same.)
- If employees want to wear gloves, allow it
- Request or encourage all employees to wash their hands frequently
- Provide hand sanitizer if frequent handwashing is impractical or impossible

# Surface Hygiene

(Not a likely source of transmission but still not a bad idea – it's almost flu season, after all)

- Reduce communal touch points
- Schedule cleaning of frequently touched surfaces
- Pay special attention to doorknobs, light switches, countertops, handles, phones, keyboards, toilets, faucets, keypads, communal pens and markers
- Mark high-touch surfaces to bring attention to them



# Disinfecting Areas Used by an Employee Diagnosed with Monkeypox

- [Clean and disinfect](#) the areas where people with monkeypox spent time
- Avoid activities that could spread dried material from lesions (e.g., use of fans, dry dusting, sweeping, or vacuuming) in these areas
- Perform disinfection using an EPA-registered disinfectant with an Emerging [Viral Pathogens](#) claim, which may be found on EPA's [List Q](#). Follow the manufacturer's directions for concentration, contact time, and care and handling
- Linens can be laundered using regular detergent and warm water
- Soiled laundry should be gently and promptly contained in a laundry bag and never be shaken or handled in a manner that may disperse infectious material

# Leaves, Protections, and Sick Leave Policy Best Practices

# State and Local Sick Leave Laws (Obviously) Apply

- If you're in a state or city with paid sick leave or family medical leave, it will likely apply.
- A number of states have something called "Public Health Emergency Leave" (or similar) that provides job protection for employees who need to quarantine (currently Colorado, Delaware, Iowa, Maine, Maryland, Minnesota, New Jersey, New Mexico, South Carolina, and Utah).



# Sick Employees may Qualify for FMLA

If the employer is FMLA covered and the employee is FMLA eligible, then FMLA will apply if their illness counts as a “serious health condition” (very likely).

Though less likely to be applicable, the ADA could also provide for a leave if FMLA or no other law provides the leave and the illness, if their infection substantially interferes with a major life activity.



# Change Your Attitude Toward Absences

- Make your sick leave policy as standard and well-enforced as your attendance policy
- Train managers and make them responsible for sick employees
- If you have attendance incentives for individuals or teams, suspend them
- Make your call-out policies reasonable



# Work from Home Best Practices

# Time Tracking

- All time worked must be tracked and paid
- Have a detailed policy
- Make sure your system makes sense for WFH
- Be kind about confusion – we're all working through this together





## Off-the-Clock Work

- This will be very easy to rack up
- Just because employees are willing to do work without recording it doesn't mean its legal
- You cannot make their former commuting time work time (without paying for it)

# Meal and Rest Breaks

- These are required and should be logged just as if employees were in the office
- Even if they aren't required (like for exempt employees), breaks should be encouraged
- Breaks restore motivation, help us retain information, improve productivity, creativity, and focus, and reduce decision fatigue





## Give the Benefit of the Doubt

- Work relationships can erode very quickly, and they are even harder to patch up from a distance.
- Better to give assume good intent and behavior and be proven wrong than to treat remote employees like mischievous children who must be micro-managed from the get-go.
- Create SMART goals, if you don't have them already

# Q & A