

**Guidance for City Agencies Regarding the 2022 Outbreak of Orthopoxvirus (MPV) eff. August 9, 2022**

This document sets forth City leave policy with respect to City employees to mitigate the risk of the spread of MPV in the workplace.

**I. Definition**

Symptoms of MPV include:

- A new or unexpected rash or sores that may look like pimples or blisters that appears anywhere on the body, such as the hands, feet, trunk, or face, or around or inside the mouth, genitals, or anus.
  - The rash and sores go through different stages before healing completely. A person may be contagious until all the sores have healed and a new layer of skin has formed over the sores, which can take two to four weeks.
- Respiratory symptoms (e.g., sore throat, nasal congestion, or cough)

**II. General Policy Concerning Attendance of Employees in the Workplace**

An employee may not report to work in the following circumstances:

**A. The employee has tested positive for MPV**

An employee who has tested positive for MPV must isolate and cannot report to work until they receive clearance to return to work from a physician.

**B. The employee has developed symptoms of MPV and does not yet have a test result.**

An employee who develops symptoms of MPV and is waiting for test results should not report to work. If the employee tests negative for MPV, they may return to work without restrictions.

**C. An employee who has been in contact with someone who has tested positive for MPV and is awaiting test results but has not developed symptoms.**

An employee who does not have symptoms of MPV and is awaiting test results may continue to report to work and should monitor symptoms for 21 days after their last exposure.

### III. Leave Policy

#### A. Employees who have tested positive for MPV

1. Employees who test positive for MPV and submit a positive test result will receive up to two weeks of excused leave beginning from when the employee takes a test and begins to isolate.
2. After two weeks the employee must submit a doctor's note that either indicates that they may return to work or that they should continue to isolate.
  - i. If the employee is continuing to isolate, they may receive up to an additional two weeks of excused leave.
  - ii. If the employee is continuing to isolate but is able to perform their work duties while isolating, they may request to telework for the additional two weeks.
3. After four weeks, the employee must submit a doctor's note to return to work.
  - i. If the employee is advised by a physician that they must continue to isolate and is unable to return to work, they must either utilize their own leave balances, seek a reasonable accommodation, or apply for other forms of leave such as FMLA. Under no circumstances will an employee receive more than four weeks of excused leave.
  - ii. Employees who exhaust sick leave may be advanced additional sick leave at the discretion of the Agency Head. Until further notice, the provision of advanced sick leave does not require the employee to be a permanent employee or to have more than 10 years of service.

#### B. Employees who have symptoms of MPV

Employees who have symptoms of MPV but receive a negative test result may return to work with no restrictions.

1. Employees will receive excused leave for time in isolation up to the receipt of a negative test result. Under no circumstances will an employee receive more than one week of excused leave while awaiting the negative test result.

#### C. Employees Caring for Someone with a Positive Diagnosis of MPV

An employee may be eligible for Family and Medical Leave Act (FMLA)<sup>1</sup> or Paid Family Leave<sup>2</sup> for care of a serious health condition of a covered family member. Agencies should follow standard procedures for evaluating FMLA and PFL eligibility.

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<sup>1</sup> Please see PSB 440-8 [https://www1.nyc.gov/assets/dcas/downloads/pdf/reports/440\\_8R.pdf](https://www1.nyc.gov/assets/dcas/downloads/pdf/reports/440_8R.pdf)

<sup>2</sup> Please see PSB 440-16 [https://www1.nyc.gov/assets/dcas/downloads/pdf/reports/440\\_16.pdf](https://www1.nyc.gov/assets/dcas/downloads/pdf/reports/440_16.pdf)