

LABOR & EMPLOYMENT LAW ALERT

EEOC PROPOSED RULES TARGETING EMPLOYER-SPONSORED WELLNESS PLANS

The United States Equal Employment Opportunity Commission (EEOC) is expected to finalize regulations as early as February 2016 governing how employer-sponsored wellness plans that offer employee incentives or penalties may properly comply with the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA). The EEOC issued a proposed rule in April 2015 to amend its ADA regulations, and is now considering more than 300 comments received in response to same. The proposed rule to amend GINA was published in late October 2015 and a 60-day comment period is now underway.

In its proposed rules, the EEOC addresses the question of what incentives employers can permissibly offer employees to participate in wellness plans without running afoul of the ADA's ban on involuntary medical examinations and inquiries, or GINA's ban on the solicitation or compelled disclosure of genetic information.

For more information about the EEOC's proposed rules, please view these two links:

<http://www.eeoc.gov/eeoc/newsroom/release/10-29-15.cfm> (GINA)

<http://www.eeoc.gov/eeoc/newsroom/release/4-16-15.cfm> (ADA)

Please do not hesitate to contact one of our Firm's labor and employment law attorneys identified below if you would like more information on this issue.

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*Admitted to practice in NJ and PA only