



# AMERICAN BENEFITS COUNCIL

## Benefits Briefing

### Wellness Programs, EEOC and the ADA

Tuesday, December 9, 2:30-4:00 p.m. ET

#### Benefits Briefing Webinar Series

#### Wellness Programs, EEOC and the ADA

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The American Benefits Council will host a **Benefits Briefing webinar** on **Tuesday, December 9, at 2:30 p.m. Eastern Time** regarding wellness plans and compliance obligations under the Americans with Disabilities Act (ADA), as well as the outlook for future U.S. Equal Employment Opportunity Commission (EEOC) guidance on wellness programs.

Panelists will provide perspectives on the EEOC's recent legal challenges to certain employer wellness program designs as violating the ADA and the Genetic Information Nondiscrimination Act (GINA)

**Kathryn Wilber**, *senior counsel, health policy*, will moderate the webinar. She will be joined by:

- **Jim Paretti**, *senior counsel to Commissioner Victoria A. Lipnic, U.S. Equal Employment Opportunity Commission*
- **Seth Perretta**, *principal, Groom Law Group*

We will take questions from webinar participants throughout the session and attempt to answer as many as possible. Members are encouraged to [submit questions for the webinar in advance](#).

**A recording of this session will be available by request.**

NOTE: Participation in Council webinars may be used toward continuing education/renewal requirements for many professional accreditation programs, but only by means of self-certification. Descriptions of past programs are available by [clicking here](#). Please retain your registration confirmation for your verification records.

## Background:

The U.S. Equal Employment Opportunity Commission (EEOC) has filed three lawsuits in recent months challenging employer-sponsored wellness programs (see the Council's [November 3](#) and [October 7](#) *Benefits Byte* stories).

These lawsuits have generally alleged that the employer wellness programs violate the Americans with Disabilities Act (ADA) and/or the Genetic Information Nondiscrimination Act (GINA) by imposing penalties on employees who decline participation in the program. While the EEOC's most request for a temporary restraining order and preliminary injunction was denied at the district court level, there is substantial concern in the employer community that these legal challenges were filed in the absence of formal regulatory guidance from the EEOC on ADA compliance.

The EEOC announced in its most recent semi-annual regulatory agenda that it intends to issue regulations later this year addressing wellness programs under the ADA and GINA; however, the actual timetable for the issuance of such guidance is uncertain.

***For questions related to registration*** – *If you have colleagues at your organization who would like to participate in this session, but do not regularly receive Council materials, please contact [Deanna Johnson](#), director, membership, or [Sondra Williams](#), membership services coordinator, at (202) 289-6700.*



*The American Benefits Council is the national trade association for companies concerned about federal legislation and regulations affecting all aspects of the employee benefits system. The Council's members represent the entire spectrum of the private employee benefits community and either sponsor directly or administer retirement and health plans covering more than 100 million Americans.*

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