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EEOC Issues Two Final Rules Regarding Employer Wellness Programs

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The EEOC issued two final rules today relating to wellness programs, as well as questions and answers, explaining how the ADA and Title II of GINA apply to employer wellness programs that request information from employees and their spouses. These guidelines provide welcome direction to employers who have faced some uncertainty as to whether they could provide incentives for spouses who participate in their wellness programs and whether their wellness programs comply with the ADA. Here are links to these rules; more detailed information about the requirements of these new rules will be provided shortly.

GINA Final Rules: These FAQs and final rules can be found at: https://www.eeoc.gov/laws/regulations/qanda-gina-wellness-final-rule.cfm and at https://www.federalregister.gov/articles/2016/05/17/2016-11557/genetic-information-nondiscrimination-act. The purpose of these rules is to explain when an employer can offer a limited financial and other incentives (inducements) in exchange for the spouse's current or past health status under a voluntary wellness program.

ADA Final Rules: These FAQs and final rules can be found at: https://www.eeoc.gov/laws/regulations/qanda-ada-wellness-final-rule.cfm and at https://www.federalregister.gov/articles/2016/05/17/2016-11558/regulations-under-the-americans-with-disabilities-act The purpose of these rules is to explain when an employer may offer limited financial and other incentives to employees responding to disability-related questions or taking medical examinations as part of an employer wellness program.