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Senate HELP Committee to Discuss Wellness

Ever since the EEOC filed a lawsuit challenging Honeywell's employer wellness plan under the ADA, employers have become hyper sensitive to wellness plan issues. Many employers feel the EEOC challenges are unwarranted, particularly because the wellness plans already meet the requirements under the DOL and IRS guidance for employer-sponsored wellness plans. Still others feel that ADA challenges should not filed until regulations have been finalized by the EEOC. On that latter front, it's taken the EEOC over a decade to come up with its current strategy, so it's not surprising that regulations or guidance have not been issued. Currently, the EEOC appears to be trying to go after what it feels are wellness plans that are outside the mainstream, regardless of whether they in fact actually are.

With so much evidence pointing to the fact that wellness plans are a win-win for employees and employers, the Senate Health Education Labor & Pensions (HELP) Committee is having a hearing on January 29 to sort out all the swirling issues. It's unlikely that anything concrete will come out of the hearing, but it will certainly be interesting to see what is being said about the EEOC challenges and wellness plans in general. More to follow.