

SPEAKING ENGAGEMENTS

Employer Roundtable On The EEOC's New Proposed Regulations And Wellness Programs

DATE

June 3, 2015

SPEAKERS



Patricia L. Ogden
Of Counsel
(Retired)



Michael G. Paton
Of Counsel
(Retired)

The EEOC has released its proposed amendments to its regulations dealing with wellness programs. The proposed regulations follow litigation by the EEOC asserting that incentives offered under certain wellness programs rendered participation involuntary and in violation of the ADA. The proposed regulations would impose significant additional restrictions on wellness program. For example, the regulations take the position that, for a program to be permitted under the ADA, participation cannot be required, benefits/coverage may not be denied for failure to participate, no adverse employment action against an employee for failure to participate may be taken, and reasonable accommodations must be provided to disabled employees to provide equal access and participation.

The regulations have generated a number of complaints from the employer community. The EEOC's guidance is inconsistent with prior Internal Revenue Service and Department of Labor guidance under the HIPAA non-discrimination rules and would create significant obstacles for many employers who are attempting to design cutting-edge wellness program to manage health plan costs and employee health.

The program will begin with a brief overview from Barnes & Thornburg attorneys on the substance of the proposed regulations. Following that, participants will be encouraged to discuss the proposed regulations and their potential effect on otherwise compliant wellness programs. Employers, brokers and consultants have been invited to participate in order to encourage a full range of viewpoints on effective wellness practices and how the proposed regulations would hamper those practices. Based on responses, Barnes & Thornburg may prepare comments for submission to the EEOC before the proposed regulations are finalized.

Because of the interactive nature of the discussion, attendance will be limited.

Speakers

- Patricia Ogden, Partner, Barnes & Thornburg LLP
- Michael Paton, Partner, Barnes & Thornburg LLP

When: Wednesday, June 3

Time: 8:30 a.m. (Eastern) Registration and Breakfast | 9 - 10:30 a.m. Program

Where: Barnes & Thornburg | 11 S. Meridian Street | Indianapolis, IN