District Court Finds that Wellness Program Falls Within ADA ?Ã‡Â£Safe Harbor?Ã‡Â¥

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A federal district court in Florida granted a motion for summary judgment in favor of the employer-sponsor of a group health plan in a case in which a plan participant alleged that the plan?ÃÃs wellness program violated the Americans with Disabilities Act (the ?ÃÂ£ADA?ÃÂ¥). Under the wellness program, employees participated in health risk assessments and biometric screenings for cholesterol and glucose levels. A $20 surcharge was imposed on employees who did not participate. The ADA specifically prohibits employers from requiring an employee to undergo a medical examination, unless it is voluntary or used to determine the employee?ÃÃs ability to perform his/her job. However, the ADA includes an exception to the ADA?ÃÃs prohibitions for ?ÃÂ£bona fide benefit plans.?ÃÂ¥ The court found that the wellness program in question fit within the ADA safe harbor for bona fide benefit plans. *Seff v. Broward County*, No. 10-61437-CIV-MOORE/SIMONTON (S.D. Fla. Apr. 11, 2011).

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