

District Court Finds that Wellness Program Falls Within ADA Safe Harbor

April 18, 2011

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's wellness program violated the Americans with Disabilities Act (the "ADA"). 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's ability to perform his/her job. However, the ADA includes an exception to the ADA's prohibitions for bona fide benefit plans. 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).