

EEOC Clarifies Calculation of Wellness Incentive Limits Under ADA Final Regulations

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In May, we provided information regarding the EEOC's release of final ADA and GINA regulations and their impact on wellness programs, which is available [here](#). The final regulations indicate that when an employer offers multiple medical plan options but enrollment is not required to participate in the wellness program, the applicable wellness incentive limits for ADA and GINA purposes are based on the total cost of self-only coverage in the lowest cost plan option available. The final regulations did not explicitly address how to calculate the applicable wellness limits when multiple medical plan options are available and enrollment is required to participate in the wellness program, but more than one option can be used to satisfy the enrollment requirement. The conservative approach is to assume a similar outcome and base the incentive limits on the total cost of self-only coverage in the lowest cost plan option available that permits participation in the wellness program. The EEOC confirmed this approach in a discussion letter issued July 1, 2016, which is available [here](#).