

EEOC Files Second Wellness Program Lawsuit Against an Employer

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The U.S. Equal Employment Opportunity Commission (**EEOC**) sued an employer claiming it violated the Americans with Disabilities Act (**ADA**) when the employer cancelled coverage and transferred 100% of the premium to the employee for failing to complete biometric screening and a health risk assessment. Employees who completed the screening were charged only 25% of the premium. This lawsuit follows the EEOC's ADA lawsuit earlier this year against a different employer that terminated an employee for failing to participate in the employer's wellness program. The EEOC has taken the position that wellness programs must be voluntary and cannot compel participation by cancelling coverage or imposing onerous penalties. The EEOC's Press Release can be found [here](#).