

NOTICE REGARDING WEGMANS TOBACCO CESSATION WELLNESS PROGRAM

This notice is being provided as a follow-up to your recent interaction with QuitClub, the Wegmans Tobacco Cessation Wellness Program. QuitClub is a voluntary wellness program available to all Wegmans employees (nicotine replacement therapy only available to employees ages 18 and over). The program is administered according to federal rules permitting employer-sponsored wellness programs that seek to improve employee health or prevent disease, including the Americans with Disabilities Act of 1990, the Genetic Information Nondiscrimination Act of 2008, and the Health Insurance Portability and Accountability Act, as applicable, among others. By choosing to participate in QuitClub, you are asked a series of questions about your health and prescriptions and whether you have or had certain medical conditions. You are not required to answer these health questions.

However, employees who choose to participate in QuitClub may receive incentives for doing so. Although you are not required to participate in any part of the wellness program, only employees who do so will receive an incentive. The incentives may vary or may be discontinued in future years. The current incentives for QuitClub are a waiver of the tobacco surcharge for employees enrolled in a Wegmans health care plan and a waiver of program fees for all employees.

If you are unable to participate in any of the wellness program components, you may be entitled to a reasonable accommodation or an alternative standard. You may request a reasonable accommodation or an alternative standard by contacting the Benefits Department.

The information from your health questions may be used to provide you with information to help you understand your current health and potential risks, and may also be used to offer you services through the wellness program, such as coaching for tobacco cessation. You also are encouraged to share your results or concerns with your own doctor.

Protections from Disclosure of Medical Information

We are required by law to maintain the privacy and security of your personally identifiable health information. Although the wellness program and Wegmans may use aggregate information it collects to design a program based on identified health risks in the workplace, the wellness program will never disclose any of your personal information either publicly or to the employer, except as necessary to respond to a request from you for a reasonable accommodation needed to participate in the wellness program, or as expressly permitted by law. However, by participating in the program, you have provided consent to QuitClub to share your name and date of program enrollment with Wegmans for purposes of verification of billing and waiving the tobacco surcharge. Medical information that personally identifies you that is provided in connection with the wellness program will not be provided to your supervisors or managers and may never be used to make decisions regarding your employment.

Your health information will not be sold, exchanged, transferred, or otherwise disclosed except to the extent permitted by law to carry out specific activities related to the wellness program, and you will not be asked or required to waive the confidentiality of your health information (other than tobacco cessation enrollment information for billing and incentive administration) as a condition of participating in the wellness program. Anyone who receives your information for purposes of providing you services as part of the wellness program will abide by the same confidentiality requirements. The only individuals who will receive your personally identifiable QuitClub health information are individuals from Roswell Park, which has entered into a HIPAA Business Associate Agreement with Wegmans, who will provide QuitClub tobacco cessation services and prescriptions; again, your name and enrollment date will be shared with Wegmans for billing and incentive administration.

In addition, all medical information obtained through the wellness program will be maintained separate from your personnel records, whenever required by law information stored electronically will be encrypted, and no information you provide as part of the wellness program will be used in making any employment decision. Appropriate precautions will be taken to avoid any data breach, and in the event a data breach occurs involving information you provide in connection with the wellness program, we will notify you immediately in accordance with applicable law.

You may not be discriminated against in employment because of the medical information you provide as part of participating in the wellness program, nor may you be subjected to retaliation if you choose not to participate.

If you have questions or concerns regarding this notice, or about protections against discrimination and retaliation, please contact Wegmans Chief Privacy Officer at: Wegmans Food Markets, Inc., 1500 Brooks Avenue, PO Box 30844, Rochester, NY 14603-0844; or by calling: 1-800-Wegmans, extension 4760.

Effective 1/1/2017