

Regulatory EEOC Notice for ConocoPhillips' Sponsored Wellness Programs

Rules published on May 17, 2016, under the Americans with Disabilities Act (ADA) require employers that offer wellness programs that collect employee health information to provide a notice to employees informing them what information will be collected, how it will be used, who will receive it, and what will be done to keep it confidential. This notice meets ConocoPhillips' obligation to inform you regarding information collected, used, transmitted and stored under the ConocoPhillips' sponsored wellness programs as described below. Note that ConocoPhillips offers various wellness programs. In this notice, the U.S. Health Improvement Incentive Program is referred to as the "Medical Plan Incentive Program." Also, in this notice the Houston Wellness Center's MicroFit Assessment program is discussed.

The *Medical Plan Incentive Program* is a voluntary wellness program available to certain eligible participants of the ConocoPhillips Medical and Dental Assistance Plan. Please see the current *Medical Plan Incentive Program* FAQs at hr.conocophillips.com for detailed information regarding the program. The Houston Wellness Center's MicroFit Assessment program is also voluntary and available generally to all local Houston employees. These wellness programs are 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.

If you choose to participate in the *Medical Plan Incentive Program*, you will be asked to complete a biometric screening, which will include a blood test that will determine, for example, your Triglycerides, HDL, LDL, Total Cholesterol, glucose, blood pressure, pulse rate, in addition to screening for height and weight to determine body mass index.

If you choose to participate in the Houston Wellness Center's MicroFit Assessment, you will be asked to complete a screening, which will include providing your height, weight, blood pressure, maximal oxygen uptake (VO₂ max), waist circumference measurements, and body fat composition.

Eligible employees who choose to participate in the *Medical Plan Incentive Program* may earn incentives that reduce their medical cost under the ConocoPhillips Medical and

Dental Assistance Plan in the following calendar year. Although you are not required to complete a biometric screening, only those eligible employees who choose to participate in the biometric screening are eligible to earn an incentive of \$600 for Healthy Weight (if your body mass index is <30); an incentive up to \$300 for Tobacco Free (eligible employee (\$150) and spouse/domestic partner (\$150) if you meet the program's definition of "tobacco free"), and an incentive of \$100 for Blood Pressure (if your blood pressure <140/90). If you do not meet the Healthy Weight standard of having a body mass index < 30, you may participate in a qualifying activity as defined by the *Medical Plan Incentive Program*, for example HealthyWage, Naturally Slim, Energy In Action, Road to Wellness, or show a 5% weight reduction from your 2017 biometric screening. If you do not meet the Blood Pressure standard of <140/90, then you may participate in the blood pressure education program as defined by the *Medical Plan Incentive Program*. You may also participate in a tobacco cessation program to earn the Tobacco Free incentive. See *Medical Plan Incentive Program's* FAQs for additional details. If you are unable to participate in any of the health-related activities or achieve any of the health outcomes required to earn an incentive, 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 Center at 800-622-5501. Note that wellness programs offered through the Houston Wellness Center including MicroFit Assessments and other in-house programs do not offer separate incentives.

The results from your *Medical Plan Incentive Program's* biometric screening (and Houston Wellness Center Programs' screenings) will 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 programs offered under the ConocoPhillips Medical and Dental Assistance Plan, such as tobacco cessation program and disease management support. 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. Please reference the [Notice of Privacy Practices](#) for purposes of the *Medical Plan Incentive Program*. Although the wellness programs and ConocoPhillips, as program sponsor, may use aggregate information it collects to design a program based on identified health risks in the workplace, the *Medical Plan Incentive Program* and the

Houston Wellness Center programs will not disclose any of your personal information either publicly or to the Company, except as necessary to respond to a request from you for a reasonable accommodation needed to participate in a particular wellness program, or as expressly permitted by law. Medical information that personally identifies you that is provided in connection with the wellness programs 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 programs, and you will not be asked or required to waive the confidentiality of your health information as a condition of participating in the wellness programs or receiving an incentive. Anyone who receives your information for purposes of providing you services as part of a wellness program will abide by the same confidentiality requirements. The only individual(s) who will receive your personally identifiable health information are service contractors of both the *Medical Plan Incentive Program* and Houston Wellness Center, as well as any company designated wellness professionals in order to provide you with services under the wellness programs.

In addition, all medical information obtained through the wellness programs will be maintained separate from your personnel records, 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 programs, we will notify you immediately.

You may not be discriminated against in employment because of the medical information you provide as part of participating in the wellness programs, 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 Stephanie Held at 281-293-1002 (for wellness programs offered by the Houston Wellness Center) or Cassie Kmiec at 281-293-3619 (for the *Medical Plan Incentive Program*).