

The Employee Polygraph Protection Act (EPPA) of 1988 prohibits most private employers and companies from using lie detector tests (polygraphs, voice stress analyzer, deceptograph amongst others) for pre employment screening.

The Act states that employers generally may not request or require job applicants to take a lie detector test as a condition for employment or discriminate against them for refusing to do so. They are also prohibited from asking about previous polygraph tests. However, certain employers are not affected by this law.

- The EPPA does not cover federal, state and local governmental agencies such as police and fire departments
- The EPPA does not cover public agencies such as a school system or correctional institution

Subject to certain restrictions the EPPA does permit certain private employers to administer polygraph tests. These are:

- Companies who provide security services such as armored car personnel, the design of security systems (alarms) and the provision of security personnel (guards) in facilities that impact on the safety and health of any state.
- Companies that manufacture, distribute or dispense controlled substances including pharmaceuticals

### **What are the basic requirements for employers who use a pre employment polygraph?**

Where polygraph examinations are permitted they are subject to strict standards with regard to how the test is conducted. The examiner must be licensed and bonded. It is suggested that a prospective employee should be given a written notice explaining their rights and the limitations imposed such as prohibited areas of questioning and restrictions on the use of the test results. A prospective employee may refuse to undergo a polygraph, end the test at any time or decline to take the test if he or she suffers from a medical condition.

### **What questions will I be asked during an employment polygraph?**

Generally questions cover aspects such as driving and insurance history, credit background, drug and alcohol use, employment habits, falsification of information, any criminal activities and associations.

According to the Act and the American Polygraph Association the following areas should not be questioned during the polygraph - religious, racial, sexual and political beliefs and affiliations.

### **Who gets the results of the polygraph?**

There are strict limits on the disclosure of information obtained during the polygraph examination. The results of the test alone cannot be disclosed to anyone but the employer and test taker without their permission or, on the basis of a court order, to a court, government agent, arbitrator or mediator.