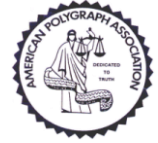


The Polygraph Science Center

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FROM: James A. F. Kelly, M.S. – LPE

TO: Prospective Client

SUBJECT: Employee Polygraph Protection Act Research (EPPA)

Background

This paper shares an executive summary of the requirements to satisfy compliance with EPPA. The Department of Labor's Wage and Hour Division, administers that Act. The focus of this summary is on three elements. A polygraph examination may be conducted in the course of an ongoing internal investigation that relates to a specific incident that may have economic impact on the company. There are other preliminary requirements that the employer must address for setting the stage for examination. Additional information may be acquired from a review of our website www.polygraph.to.

Suggestions

First of the elements offered here is the employer's checklist for gathering data to support the employee's notice. This notice should contain data that documents that the eligibility for examination does exist.

Second of the elements is a sample 48-Hour notice that may be used to notify the employee of the invitation to take a polygraph examination. It is in memo format for placement on the company letterhead. It may contain some basic instructions to facilitate the examination process. It should also include the name of the Polygraph firm plus the location and time for examination. If more than one employee is scheduled allow for a 2-hour examination period. It is best that the employees to be tested do not travel together. It should be noticed that the amended regulations from the Labor Department permit the employee to waive the 48-hour notice and accept examination in 24 hours.

That letter is best issued under the name of the executive who has the authority to direct personnel matters

Third of the elements offered is a sample agreement between the company and the licensed polygraph examiner. It is addressed to the examiner on company letterhead. It should make reference to EPPA and identify the name and social security number of the person to be examined and the time slot allotted to that individual. If other elements associated with examination are requested they should be specified. Examples are: (1) The taking of a sworn affidavit containing a statement about the incident; (2) The collection of a urine specimen to conduct of a drug screen based on cause; and, (3) The administration of a "paper and pencil" personality inventory.

It should be noted that payment is expected at the time of examination. It may be in the form of a company check and delivered the day prior to examination or by the first examinee of the day. Since the time is blocked, there is still a charge for no shows.

Employers Checklist for Gathering Data to Support Employee's Notice

- **Narrative description of a specific incident or activity**
- **Date and time period in which the incident or activity occurred**
- **Location where it happened**
- **Define the object of loss (e.g. money, negotiable instruments, merchandise, trade secrets, customer good will, contract, and endangerment, etc.)**
- **Estimate the dollar value of the loss**
- **Type of loss under investigation (e.g. theft, fraud, forgery, sabotage, espionage, etc.)**
- **State the basis of the employer's suspicion (e.g. behavior, information received, access capability with keys, combinations, codes, authority, etc.)**
- **Other reasonable circumstances that can be verbalized**
- **List all persons who meet these criteria because they will all have to be examined.**
- **Ensure that adding a person or deleting a person from the list cannot be perceived as discrimination.**