

Executive Summary

Requirements for Employee Polygraph Testing

Dallas Polygraph Services
Federal Polygraph Standards,
Ethics and Professional
Methodology

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FROM: A.D. "Skip" Ensley
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TO: Client

Fax: (_____) _____ - _____

SUBJECT: Employee Polygraph Protection Act (EPPA) / white paper

This white paper **is not legal advice** but does share in part an executive summary of the requirement guidelines to help you satisfy compliance with EPPA (Employee Polygraph Protection Act of 1988). The U.S. Department of Labor, Wage and Hour Division administers the Act, however, it is difficult for a business owner to obtain a timely and correct answer from this agency. Essentially, an employee polygraph examination may be requested by an employer in the course of an on-going internal investigation that relates to a definable economic loss to the company when certain parameters are met. The Employer is responsible for some preliminary administrative requirements before and after a polygraph examination is requested for one of their employee. The Licensed Polygraph Examiner is responsible for administering the examination in accordance with standards set out in the Act. Your assigned licensed examiner may assist you in complying with the Act, however, neither Dallas Polygraph Services nor the assigned independent contractor examiner is responsible for any error or omissions on the part of the employer and this firm does not provide employers with legal advice in this matter.

The employer must document the information to support the employee's notice of a request to participate in an on-going investigation using the polygraph examination. Keep all records for three years.

This notice will document that the eligibility for a polygraph examination exists.

There are essentially three requirements;

1. That the employee had access,
2. That there was a definable economic loss (company funds or assets only) and
3. That there is reasonable suspicion directed at the employee in question.

All three issues must be addressed and every employer has individual circumstances that must be documented. **Mere access alone is not sufficient for reasonable suspicion in most instances.**

A sample 48-Hour notice is attached that may be used to notify the employee of the request to participate in a polygraph examination. It is in memo format for placement on your company letterhead. If more than one employee is to be tested schedule each examination on-line or call for confirmation once you have been assigned an examiner. **It is best that the employees to be tested do not travel together.**

The letter is best issued under the name of the executive who has the authority to direct personnel matters. Please provide copies of all notices signed by the employee to your assigned independent contractor examiner.

A simple service agreement between your company (requester) and the assigned independent contractor examiner is attached. It is addressed to the Polygraph Examiner on your company letterhead. It should make reference to EPPA and identify the name and social security number (for identification purposes only) of all the employees to be examined and the appointed time scheduled for each individual.

All appointment, retainer and examination fees should be paid in full prior to the examination appointment time. This may be paid in the form of a Company check and delivered with the first examination or paid on line with a credit card at www.dallaspolygraph.com. Since the appointment time is blocked, there is still a charge for no shows and/or to reschedule missed examinations. I hope this answers most of your questions about employee theft polygraph testing but should you need any additional information please check with your corporate attorney or the U.S. Department of Labor.

Dallas Polygraph Services

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Attachments:

Overview - Employee Polygraph Protection Act of 1988 (EPPA)

Sample 48-Hour Notice to Employee (s)

Service Fee Agreement and Request for Polygraph Services