**EPPA Employer Guidelines**

**Precision Polygraph of Texas LLC**

**CHECKLIST FOR EMPLOYER AND BUSINESS OWNER**

Precision Polygraph of Texas LLC is furnishing the following information, which it believes is in good faith, and conforms with the US Department of Labor’s Regulations relating to polygraph tests for employees.

Such information and forms are to be considered only as guidelines to assist in complying with the Act and Regulations and Precision Polygraph of Texas is disclaiming any liability in connection therewith. Clients should develop their own forms, using their own company letterhead, in place of the forms which are provided in this packet as sample guidelines.

1. The incident must be an ongoing, specific investigation.
2. It must be an identifiable economic loss to the employer.
3. Obtain a copy of the Employee Polygraph Protection Act of 1988.
4. Provide the employee with a written statement that includes:
5. Identification of the company and location of the employee
6. Description of the loss or activity under investigation
7. Location of the loss
8. Specific amount of the loss
9. Type of economic loss
10. How the employee had access to the loss (access alone is not sufficient ground for polygraph testing).
11. What kind of reasonable suspicion there is to suspect the employee of being involved in the loss. (Reasonable suspicion is defined under th Act includes inconsistencies between facts, claims, statements, information from a co-worker and the employee’s behavior, demeanor or conduct).
12. The statement provided to the employee MUST be signed by someone other that the polygraph examiner, who is authorized to legally bind the employer and MUST be retained for at least 3 years.
13. Read the Notice to Examinee to the employee, which should be signed, timed, dated and witnessed.
14. Provide the employee with 48 hours advanced notice (not counting weekends or holidays) prior to the date and time of the scheduled polygraph test.
15. Provide employee with written notice of the date, time and location of the polygraph test, including written directions if the test is to be conducted at a location other than the place of employment.
16. Maintain a statement of adverse actions taken against the employee following a polygraph test.
17. Conduct an additional interview of the employee prior to any adverse action following a polygraph test and provide the employee with a copy of the polygraph report, along with the questions, conclusions and charts.
18. Maintain a record of ALL of the above for a minimum of 3 years.
19. Employees may not waive their rights. Even if the employee volnters to take the polygrapy, you must still comply with the Emplloyee Polygraph Protection Act.
20. Police and investigators are not exempt and must comply if they are conducting an employment related polygraph test, i.e., when conducting a polygraph test on an internal theft for a missing deposit. Information about a polygraph provided to the employer by a police officer or investigator is prohibited under the Act, since employers are not allowed to use, accept or inquire about the results.
21. There is a $10,000 penalty for EACH violation of the law.
22. Check out the credentials of the polygraph examiner that you use and verify that the examiner meets EPPA requirements. Never hesitate to ask for written proof of licensing, liability insurance, etc.
23. Use your company letterhead on all forms you provide to the employee. Have your corporate attorney review your actions to assure your compliance of EPPA.