



EPPA-1

February 18, 1993

This is in response to your newspaper article in which you proposed that polygraph examinations be used to curtail government corruption and be admissible in court. Your letter has been referred to this office for a reply.

The Employee Polygraph Act (EPPA) prohibits most private employers from using any lie detector test for preemployment screening or routinely during the course of employment. Generally, employers are prohibited from requiring or requesting an employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under EPPA. These restrictions and other provisions of EPPA are explained in the enclosed copy of the final Regulations, 29 CFR Part 801.

The prohibitions of EPPA only apply in situations where an employer-employee relationship exists. While we appreciate you sharing your ideas about other possible uses of this test, we wish to point out that we have no authority under EPPA to enforce these provisions in situations involving government corruption or court proceedings. Any changes along the lines of your request would require action by the Congress.

If you need further assistance on matters pertaining to EPPA or any other Wage and Hour matter, please feel free to contact our Kansas City District Office located at 911 Walnut Street, Kansas City, Missouri 64106; telephone (816) 426-5721.

Sincerely,

Nila J. Stovall

Chief, Branch of Child Labor and Polygraph Standards

Enclosure