

## EMPLOYEE POLYGRAPH PROTECTION ACT of 1988 (EPPA)

### Check List for Employers

[ ] The investigation must be in connection with a specific incident of economic loss or injury to the employer's business.

[ ] The employee must have access to the property that is the subject of the investigation.

[ ] The employer must have a reasonable suspicion that the employee was involved in the incident or activity under investigation.

[ ] The employer must provide the employee, at least 48 hours prior to the examination (excluding holidays and week-ends), a statement which sets forth the basis and reasons why the above requirements are fulfilled, and is signed by a person (other than the EyeDetect examiner) who is legally authorized to bind the employer.

[ ] The additional notice requirements of Section 8 (b) (2) must be fulfilled. These include the 48-Hour Notice regarding the right to consult with counsel, and the "Notice to Employee" which states the specific date and time the EyeDetect examination will be administered. The Nature and Characteristics should also be served on the employee:

1. Notice To Employee
2. Special 48-Hour Notice
3. Nature and Characteristics

[ ] After the test is given, if the employer intends to take any adverse employment action, the employer must do three things:

1. Further interview the examinee on the basis of the results of the test; and
2. Provide the examinee with a written copy of any opinion or conclusion rendered as a result of the test; and
3. Provide the examinee with a copy of the questions asked during the test along with the charted responses.

All required notices, opinions, reports, collected data, written questions and lists will be maintained by the employer and Polygraph firm for (3) three years.
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