



# Cabler Polygraph, LLC

3730 Kirby Dr., 12<sup>th</sup> Floor  
Houston, Texas 77098



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Phone: 832-657-4712 [stephen@cablerpolygraph.com](mailto:stephen@cablerpolygraph.com) Fax: 281-925-0620

## **EMPLOYER'S ACKNOWLEDGEMENT OF EMPLOYEES' RIGHTS REGARDING POLYGRAPH EXAMINATIONS**

Section 8(b) of the Employee Polygraph Protection Act, and Department of Labor regulations (29 C.F.R. §801.22, §801.23, §801.25) require that the employer and the employee be given the following information before the employee takes a polygraph examination.

1.
  - a. The polygraph examination area (does) (does not) contain a two-way mirror, a camera, or other device through which he/she may be observed.
  - b. Another device, such as those used in conversation or recording (will) (will not) be used during the examination.
  - c. Both employer and employee have the right, with the other's knowledge to electronically record the entire examination.
  
2.
  - a. The employee has the right to terminate the test at any time.
  - b. The employee has the right, and will be given the opportunity, to review all questions to be asked during the test.
  - c. The employee may not be asked questions in a manner that degrades, or needlessly intrudes.
  - d. The employee may not be asked any questions concerning: religious beliefs or opinions; beliefs regarding racial matters; political beliefs or affiliations; opinions or lawful activities regarding unions or labor organizations.
  - e. The test may not be conducted if there is sufficient written evidence by a physician that the employee is suffering from a medical or psychological condition or are undergoing treatment that might cause abnormal responses during the examination.
  - f. The employee has the right to consult with legal counsel or other representative before each phase of the test, although the legal counsel or other representative may be excluded from the room where the test is administered during the actual testing phase.

3.
  - a. The test is not and cannot be required as a condition of employment.
  - b. The employer may not discharge, dismiss, discipline, deny employment or promotion, or otherwise discriminate against you based on the analysis of a polygraph test, or based on the employee's refusal to take such a test without additional evidence which would support such action.
  - c.
    1. In connection with an ongoing investigation, the additional evidence required for an employer to take adverse action against the employee, including termination may be
      - a. evidence that the employee had access to the property that is the subject of the investigation, together with
      - b. the evidence supporting the employer's reasonable suspicion that the employee was involved in the incident or activity under investigation.
    2. Any statement made by the employee before or during the test may serve as additional supporting evidence for an adverse employment action, as described in (b) above, and any admission of criminal conduct by the employee may be transmitted to an appropriate government law enforcement agency.
4.
  - a. Information acquired from a polygraph test may be disclosed by the examiner or by the employee only:
    1. to the employee or any other person specifically designated in writing by the employee to receive such information;
    2. to the employer that requested the test;
    3. to a court, governmental agency, arbitrator or mediator that obtains a court order; or
    4. to a U.S. Department of Labor official when specifically designated in writing by the employee to receive such information.
  - b. Information acquired from a polygraph test may be disclosed by the employer to an appropriate governmental agency without court order where, and only insofar as, the information disclosed is an admission of criminal conduct.

5. If any of the employee's rights or protections under the law are violated, the employee has the right to file a complaint with the Wage and Hour Division of the U.S. Department of Labor, or to take action in court against the employer. Employers who violate this law are liable to the affected examinee, who may recover such legal or equitable relief as may be appropriate, including, but not limited to, employment, reinstatement, and promotion, payment of lost wages and benefits, and reasonable costs, including attorney's fees. The Secretary of Labor may also bring action to restrain violations of the Act, or may assess civil money penalties against the employer.
  
6. The employee's rights under the Act may not be waived, either voluntarily or involuntarily, by contract or otherwise, except as part of a written settlement to a pending action or complaint under the Act, and agreed and signed by the parties.

**I acknowledge that I have received a copy of the above notice. I further acknowledge that I have read it in its entirety and fully understand the rights of the employee taking the polygraph examination.**

\_\_\_\_\_  
Employer Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Name of Business

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date