



EPPA-5

July 12, 1993

This is in response to your letter concerning the Employee Polygraph Protection Act of 1988 (EPPA). Specifically, you request information regarding the application of EPPA to the polygraph examination you took as a job applicant for employment with the \*\*\* County Sheriff's Office.

The EPPA prohibits most private employers from using any lie detector test for pre-employment screening or during the course of employment. For private employers, exemptions from EPPA's prohibitions against polygraph and other lie detector use are limited to covered employers conducting ongoing investigations involving economic loss or injury to the employer's business (section 7(d)); to employers providing armored car, security alarm, and security guard services (section 7(e)); and to employers registered with the Drug Enforcement Agency under the Controlled Substances Act (section 7(f)). However, Federal, state and local government employers are not subject to the requirements of EPPA. These exemptions and other provisions of EPPA are explained in the enclosed copy of the final Regulations, 29 CFR Part 801.

If the \*\*\* County Sheriff's Office is, as it appears, a local government employer, the provisions of EPPA will not apply. Under these circumstances, the sheriff's office, where no other Federal, state or local statutory prohibitions apply, may administer any type of lie detector test, and take any other action on the basis of the results of the test, without violating EPPA.

If you need further assistance, please contact your local Wage and Hour Division District Office at 1375 Peachtree Street, Room 668, Atlanta, Georgia 30303; telephone (404) 347- 4274.

Sincerely,

Nila J. Stovall  
Chief, Branch of Child Labor and Polygraph Standards

Enclosure