



EPPA-9

December 10, 1993

This is in response to your letter concerning the application of the Employee Polygraph Protection Act (EPPA) to the United States Postal Service (USPS).

Section 7(a) of the EPPA provides an exclusion from the Act's coverage for the United States Government, any state or local government, or any political subdivision of a state or local government, acting in the capacity of an employer. This exclusion from the Act also extends to any interstate governmental agency. Section 801.10 of the Regulations, 29 CFR Part 801 (copy enclosed), defines the term "United States Government" to mean any agency or instrumentality, civilian or military, of the executive, legislative, or judicial branches of the Federal Government, and includes independent agencies, wholly-owned government corporations, and nonappropriated fund instrumentalities.

Since the USPS is a wholly-owned government corporation, it is outside the scope of EPPA, and it appears that the Department of Labor can take no action on your behalf in this matter. The fact that we will take no further action on your behalf does not affect your private right to bring an independent suit for such relief as you may believe is appropriate. The Department neither encourages nor discourages such suits. The decision is entirely up to you. However, keep in mind that relief under EPPA is subject to a statute of limitations. Generally, this means that no action may be commenced more than 3 years after the alleged violation. (See §801.40(b)(2) of the regulations.)

I hope that this information is helpful to you. However, if you have further questions you may want to contact the Wage and Hour Division's Northern New Jersey District Office located at 200 Sheffield Street, Room 102, Mountainside, New Jersey 07092; telephone number: (201) 645-2279.

Sincerely,

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

Enclosures