

SUBJECT: POLYGRAPH EXAMINATIONS

EFFECTIVE  
DATE: 02-19-10 (replaces 05-20-99)

APPROVED BY:

Reviewed (no changes): 03-31-11 \_\_\_\_\_  
\_\_\_\_\_

Executive Director

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POLICY

It is the policy of the McIntosh Trail CSB that the agency has the authority to require its employees to answer questions specifically directed and narrowly related to the performance of their official duties. Further, it is the policy of the agency that those employees are required to cooperate with any internal investigation, of which a polygraph examination may be an integral part, and that failure to cooperate with an internal investigation may subject the employee to disciplinary action, including dismissal. Polygraph examinations generally will be limited to investigations of serious acts of misconduct under circumstances in which other investigative techniques have been unsuccessful.

PROCEDURE

- A. All employees will be notified that Policy 3255 requires those employees to cooperate with any internal investigation, of which a polygraph examination may be an integral part, and that failure to cooperate with an internal investigation can lead to adverse action, including dismissal.
- B. No employee may be required to waive any rights under the Constitution of the State of Georgia or the United States Constitution.
- C. Questions asked during a polygraph examination under this policy will be specifically directed and narrowly related to the performance of the employee's official duties.
- D. The results of a polygraph examination will not constitute the sole cause for disciplinary action against an employee.
- E. The results of a polygraph examination may not be placed in an employee's personnel file.
- F. The attached forms should be used in the administration of polygraph examinations under this policy. The following instructions which are provided for each form should be read and followed prior to the administration of the examinations:
  - 1. Form I: "Notification from Employing Agency Concerning Polygraph Examination", represents an official notification that an employee is being directed to submit to a polygraph examination in connection with an internal investigation. This notification form includes a brief description of the subject of the particular internal investigation. This form advises the employee of his constitutional privilege against self-incrimination and further advises him that the employer has no right to require him to waive that privilege or to condition his continued employment on his waiver of the constitutional privilege against self-incrimination. This form should be hand-delivered to the employee a minimum of twenty-four hours before the polygraph examination is scheduled.

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PROCEDURE (Continued)

F. Continued

2. Form II: "Voluntary Stipulation", is an optional form to be signed by the employee if he so chooses after being afforded sufficient time to review the form adequately. This form acknowledges that the employee has been advised of the nature of the investigation and of his constitutional rights in connection with the proceeding. In addition, it acknowledges that the employee has been advised that he is not being asked or required to waive any constitutional rights; nor is he being asked or required to stipulate to the admissibility of the results of the polygraph examination. Having fully acknowledged those matters, the employee, by signing this form enters into a voluntary stipulation that the results of the polygraph examination will be admissible in any proceeding or hearing. This form does not waive any constitutional rights including the privilege against self-incrimination.
3. Form III: "Understanding", includes the same language as the previously described Form 2. However, by signing this form, the employee merely agrees to submit to the polygraph examination and neither waives any constitutional rights or stipulates to the admissibility of the results of the polygraph examination.
4. Form IV: "Refusal to Submit to Polygraph Examination", acknowledges that the employee has not been directed to waive any constitutional rights including the privilege against self-incrimination. It further acknowledges that the employee understands that refusing to submit to the polygraph examination may result in disciplinary action against the employee. By signing this form, the employee refuses to submit to a polygraph examination.

The forms should be given to the employee a sufficient time in advance of the scheduled administration of the polygraph examination so as to allow the employee time to consider his choices and to consult an attorney if he so desires.

- G. Internal investigations which include the administration of polygraph examinations must be approved in advance by the Executive Director.
- H. Polygraph examinations must be administered by a licensed examiner, who is bonded or has professional liability insurance coverage.

Attachments:

1. Notification Concerning Polygraph Examination
  2. Voluntary Stipulation
  3. Understanding
  4. Refusal to Submit to Polygraph Examination
- Reference: Employee Polygraph Protection Act of 1988 (EPPA)