

Your Rights Under the Congressional Accountability Act



Polygraph Protection Act

Section 204 of the Congressional Accountability Act (CAA) generally prohibits an employing office from requiring that lie detector tests be taken by current and prospective employees. Requiring or requesting that lie detector tests be taken; using, accepting, or inquiring about the results of a lie detector test; or firing or discriminating against an employee based on the results of a lie detector test or the refusal to take a lie detector test are all prohibited.

Key Provisions Under the Law

- Those who are involved in intelligence or counterintelligence activities and have access to top secret information may still be required to take lie detector tests.
- The general prohibition against lie detector tests includes the use of electrical and mechanical detectors, but does not prohibit the use of oral or written tests.
- The Capitol Police are permitted to require lie detector tests of its own employees or, as part of an ongoing investigation, of other covered employees.
- The use of lie detector tests for matters relating to theft or access to controlled substances may also be permitted.
- Tests for drugs or alcohol are also not considered "lie detector" tests and may be required of current or prospective employees.

Frequently Asked Questions About the Polygraph Protection Act

Q. What does the term "lie detector" mean?

A. The term "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device that is used, or the results of which are used, to render a diagnostic opinion regarding the honesty or dishonesty of an individual. The term "lie detector" does not include medical tests that are used to determine the presence or absence of controlled substances or alcohol in bodily fluids.

Q. May an employing office request an employee who does not work in that office to submit to a lie detector test?

A. No. The prohibitions on the use of lie detector tests by an employing office apply regardless of whether the covered employee works in the employing office engaging in the prohibited activity.

Polygraph Protection Act CONTINUED

Q. What are the rights of an employee who is requested to submit to a lie detector test under the ongoing investigation or controlled substances exceptions?

A. During all phases of polygraph testing the employee being examined has the right to terminate the test at any time; not be asked any questions designed to degrade or unnecessarily intrude on, the examinee; not be asked any questions regarding religious beliefs or affiliations, beliefs or opinions regarding racial matters, political beliefs or affiliations; any matter relating to sexual behavior; or beliefs, affiliations, opinions or lawful activities concerning unions or labor organizations. It is also prohibited to test an employee when there is sufficient written evidence from a physician that the examinee is suffering from any medical or psychological condition or undergoing treatment that might cause abnormal responses during the test.

The Office of Compliance

The Office of Compliance protects the safety, health, and workplace rights of employees of the US Congress and the Legislative Branch. Established by the Congressional Accountability Act of 1995, the Office is an independent agency which provides an impartial dispute resolution process and educates employees and employing offices about their rights and responsibilities under the Act.

The Office of Compliance welcomes your inquiries. All contacts are kept strictly confidential. If you have any questions regarding your rights under the Polygraph Protection Act or any other provision of the Congressional Accountability Act, please feel free to call the office, visit us in person, or view our web site at www.compliance.gov.

This information does not constitute an official ruling of the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.

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