

HOUSE BILL No. 4690

May 2, 2013, Introduced by Reps. Graves and Denby and referred to the Committee on
Regulatory Reform.

A bill to amend 1982 PA 44, entitled
"Polygraph protection act of 1981,"
by amending section 3 (MCL 37.203).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Except as provided in this section, an employer or
2 employment agency shall not as a condition of employment,
3 promotion, or change in status of employment, or as an express or
4 implied condition of a benefit or privilege of employment, do any
5 of the following:

6 (a) Request or require that an employee or applicant for
7 employment take or submit to a polygraph examination.

8 (b) Administer, cause to be administered, threaten to
9 administer, or attempt to administer a polygraph examination to an

1 employee or applicant for employment.

2 (c) Require that an employee or applicant for employment give
3 an express or implied waiver of a practice prohibited by this act.

4 ~~or section 19 of Act No. 295 of the Public Acts of 1972, as~~
5 ~~amended, being section 338.1719 of the Michigan Compiled Laws.~~

6 (2) This section does not prohibit an employee or applicant
7 for employment from voluntarily requesting a polygraph examination.

8 (3) If an employee or applicant requests a polygraph
9 examination, this section does not prohibit an employer or
10 employment agency from administering a polygraph examination as
11 provided in subsection ~~(7)~~. **(6)**.

12 (4) An employee or applicant for employment who voluntarily
13 requests a polygraph examination shall receive from the employer or
14 employment agency a copy of this section ~~and section 19 of Act No.~~
15 ~~295 of the Public Acts of 1972, as amended,~~ before the employee or
16 applicant for employment voluntarily takes the polygraph
17 examination.

18 (5) An employer shall not refuse to hire an applicant for
19 employment because the applicant refuses or declines a polygraph
20 examination.

21 ~~—— (6) If an employee or applicant for employment voluntarily~~
22 ~~requests a polygraph examination, an employer or employment agency~~
23 ~~shall not use or employ the services of an intern or an examiner~~
24 ~~who is not licensed under Act No. 295 of the Public Acts of 1972,~~
25 ~~as amended, being sections 338.1701 to 338.1729 of the Michigan~~
26 ~~Compiled Laws, for the detection of deception, verification of~~
27 ~~truthfulness, or measuring or recording the presence or absence of~~

1 ~~stress in the vocal response of the employee or applicant for~~
2 ~~employment.~~

3 (6) ~~(7)~~—If an employee or applicant for employment voluntarily
4 requests a polygraph examination, the examiner shall **DO ALL OF THE**
5 **FOLLOWING:**

6 ~~—— (a) Not ask questions that are prohibited under section 19(j)~~
7 ~~of Act No. 295 of the Public Acts of 1972, as amended.~~

8 (A) ~~(b)~~—Inform the employee or applicant for employment of all
9 specific question areas to be explored before their actual
10 exploration during the examination.

11 (B) ~~(c)~~—Inform the employee or applicant for employment of all
12 of the following:

13 (i) The employee or applicant for employment has the right to
14 accept or refuse the examination.

15 (ii) The employee or applicant for employment has the right to
16 halt an examination in progress at any time.

17 (iii) The employee or applicant for employment is not required
18 to answer any questions or give any information.

19 (iv) Any information the employee or applicant for employment
20 volunteers could be used against the employee or applicant for
21 employment, or made available to the employer, unless otherwise
22 specified and agreed to in writing by the employee or applicant for
23 employment.

24 (C) ~~(d)~~—Provide the employee or applicant for employment with
25 a copy of the examination results and all reports or analyses done
26 by the examiner which are shared with the employer.

27 Enacting section 1. This amendatory act does not take effect

- 1 unless Senate Bill No.____ or House Bill No. 4689(request no.
- 2 02041'13) of the 97th Legislature is enacted into law.