

114TH CONGRESS  
1ST SESSION

# H. R. 2618

To amend the Employee Polygraph Protection Act of 1988 to provide an exemption from the protections of that Act with regard to certain prospective employees whose job would include caring for or interacting with children.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2015

Mr. Ross introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Employee Polygraph Protection Act of 1988 to provide an exemption from the protections of that Act with regard to certain prospective employees whose job would include caring for or interacting with children.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Our Chil-  
5 dren Act”.

1 **SEC. 2. EXEMPTION FOR EMPLOYERS OF EMPLOYEES WHO**  
2 **CARE FOR OR INTERACT WITH UNSUPER-**  
3 **VISED CHILDREN.**

4 (a) EXEMPTION.—Section 7 of the Employee Poly-  
5 graph Protection Act of 1988 (29 U.S.C. 2006) is amend-  
6 ed by adding at the end the following:

7 “(g) EXEMPTION FOR CERTAIN EMPLOYERS OF EM-  
8 PLOYEES WHO CARE FOR OR INTERACT WITH UNSUPER-  
9 VISED CHILDREN.—

10 “(1) EXEMPTION.—Subject to paragraph (2)  
11 and subsection (c) of section 8, this Act shall not  
12 prohibit the use of a polygraph test by any employer  
13 if the test is administered to a prospective em-  
14 ployee—

15 “(A) whose activities would involve the  
16 care or supervision of children or regular access  
17 to children who are cared for or supervised by  
18 another employee;

19 “(B) whose job description indicates a high  
20 probability that the prospective employee will  
21 interact with unsupervised children on a fre-  
22 quent basis; or

23 “(C) where the employer reasonably be-  
24 lieves there is a high probability of unsupervised  
25 interaction between the prospective employee  
26 and a child on a more than incidental basis.

1           “(2) CONDITIONS.—In addition to the require-  
2           ments imposed by section 8(c), the exemption pro-  
3           vided under paragraph (1) shall not apply unless the  
4           following conditions are met:

5                   “(A) The prospective employee is provided  
6                   with reasonable written notice of the date, time,  
7                   and location of the polygraph test and of such  
8                   examinee’s right to obtain and consult with  
9                   legal counsel or an employee representative be-  
10                  fore each phase of the test.

11                  “(B) Following the polygraph test, before  
12                  any adverse employment action is taken, the  
13                  employer shall—

14                           “(i) further interview the examinee on  
15                           the basis of the results of the test; and

16                           “(ii) provide the examinee with—

17                                   “(I) a written copy of any opin-  
18                                   ion or conclusion rendered as a result  
19                                   of the test; and

20                                   “(II) a copy of the questions  
21                                   asked during the test along with the  
22                                   corresponding charted responses.”.

23           (b) CONFORMING AMENDMENT.—Section 8(c) of  
24           such Act (29 U.S.C. 2007(c)) is amended in the matter

- 1 preceding paragraph (1), by striking “and (f)” and insert-
- 2 ing “(f) and (g)”.

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