

§7364. Limitations on uses in employment

1. Preemployment screening. An employer may not, directly or indirectly, require, request or suggest that an applicant for employment submit to a polygraph examination as a condition of obtaining employment or administer or cause to be administered to an applicant such an examination or use or refer to the results of such an examination for hiring purposes. For purposes of this subsection, "employer" includes an employment agency and "applicant" includes a person seeking to use an employment agency's services.

[PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

2. Current employees. An employer may not, directly or indirectly, require, request or suggest that an employee submit to a polygraph examination as a condition of continued employment or administer or cause to be administered to an employee such an examination or use or refer to the results of such an examination for employment purposes.

[PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

3. Exception. This section does not apply to employees of or applicants for employment with law enforcement agencies or county and regional communications centers. As used in this subsection, "county and regional communications centers" means publicly owned and publicly operated entities that dispatch emergency services, but does not include dispatch centers that dispatch only fire services or emergency medical services and does not include an entity operated by or under the control of a law enforcement agency.

[PL 2021, c. 574, §1 (AMD).]

4. Voluntary request. This section does not prohibit an employee from voluntarily requesting a polygraph examination in connection with employment or an employer from using or referring to the results of any examination so requested, except that the results of that examination may not be used against the employee by the employer for any purpose, the employer must give the employee a copy of this chapter when the employee requests the examination and the examination must be recorded or a witness of the employee's choice must be present during the examination, or both, as the employee requests.

[PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

SECTION HISTORY

PL 2013, c. 316, §3 (NEW). PL 2013, c. 316, §5 (AFF). PL 2021, c. 574, §1 (AMD).

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