

Consent to Polygraph (Lie Detector) Test

Date:

I, _____, hereby voluntarily give consent to a polygraph (lie detector) test to be administered on _____, at _____, the results of which will be forwarded to: _____ for analysis.

I declare that I have not been coerced in any manner whatsoever to submit to this test or to sign this consent form and I understand that I have a legal right to refuse to submit to this test as a condition of new or continued employment.

Employee

Witness

Consent to Polygraph (Lie Detector) Test Review List

This review list is provided to inform you about this document in question and assist you in its preparation. Lie detector tests are, by their nature, very intrusive and subjective in their results. This provides two strikes against anyone seeking to administer them in an employment situation. The Company can be accused of being both “too” intrusive and “too” subjective. The impact in court relates to the ability of a plaintiff attorney to pile on with the “too” this and too that, using rhetoric and emotional appeals to do so. These can be very effective. So, be sure that the game is worth the trouble. We do not recommend use of this test unless you believe the results will substantially benefit your Company, which in some cases they can.

In fact, the very rumor in the air of a Lie Detector test being possibly administered in the future, can cut down on the behavior you are seeking to extinguish (e.g., shipping dock theft; gambling; drug selling; and the like). Our suggestion is to try the rumor approach first. It worked in one of my companies and no test was ever administered, or forms requested for signature.

If you want to proceed with the forms, do the following:

1. Have the employee or employees, sign in front of a peer, who is a witness. The witness should not be the proverbial “big boss” in the company. You will note the use of the phrase “Lie Detector.” This is not always done. We suggest it because it has the appearance of being more open and above board. Everyone knows what a Lie Detector test is; not everyone knows what a Polygraph test is. This puts you on firmer footing if you ever get to court—about being open and clear, not deceptive, and so on and so on.
2. Check with your attorney for their advice on the matter in advance. They will know how these cases go down locally, or can find someone who does know.
3. Again, you should have a substantial purpose in mind before resorting to this due to the legal risks involved.