

POLICY FOR THE USE OF POLYGRAPH EXAMINATIONS IN DEPARTMENTS OF THE CITY OF MONTGOMERY THAT COLLECT CASH AND CHECKS FROM MEMBERS OF THE PUBLIC

Because it is important for members of the public to be able to place faith and trust in City employees to whom they give cash and checks, the Mayor is hereby establishing this policy on the administering of polygraphs examinations to City employees in all departments that collect cash and checks from the public, except the Montgomery Police Department because it already has a policy

No City official shall randomly administer polygraph examinations.

Polygraph examinations will be used only as an investigative tool and will serve as an adjunct to, not as a substitute for, other investigative efforts.

When the department/division head of any City department/division that collects cash or checks from the public cannot account for cash or checks collected from the public and reasonably suspects that the wrongful or even criminal conduct of a City employee is the cause, or when the Mayor or Finance Director of the City reasonably suspects that cash or checks collected from the public are being wrongfully or illegally used or applied by a City employee, the department/division head, Mayor or Finance Director may administer or have administered polygraph examinations to all employees of the affected department/division who have access to cash or checks collected from the public, if the department/division head, Mayor or Finance Director reasonably believes that he or she will not be able to account for the missing cash or check by other means. The City Attorney's office shall be consulted before the polygraph test is administered to ensure compliance with this policy.

No part of an employee's polygraph examination, administered pursuant to this policy--including the preliminary questions and answers, the examination questions and answers, and the examiner's opinions regarding veracity, and any other statements made during the examination--will ever be used against the employee in any criminal proceeding, regardless of whether Alabama or federal courts currently or subsequently recognize the admissibility in criminal proceedings of statements made during polygraph examinations or polygraph examiners' opinions about veracity.

The results of the polygraph examination administered under this policy, or an employee's refusal to submit to a polygraph exam or to answer questions during the exam may be grounds for disciplinary action, including reassignment to a new position (such as a position with no access to cash and checks collected from members of the public) and discharge from employment.

Before the polygraph, the employee shall be provided the following written information:

As part of an internal investigation into missing cash or checks within the _____ Department of the City of Montgomery, that occurred on

or about _____, you are being required to give a polygraph examination.

Before administering the exam, the examiner may ask several questions, including medical questions, related to your mental and medical condition. These questions will be limited to those necessary to determine your mental and medical fitness to take the examination.

While this internal investigation may ultimately result in criminal proceedings, no part of this polygraph examination, including but not limited to your answers and statements to the examiner and the examiner's opinions about your answers and statements, will ever be used against you in any criminal proceeding. However, your answers and statements and the examiner's opinions about them may be used against you in an administrative or personnel proceedings, in accordance with paragraphs 5 and 8 of the "Policy for the Use of Polygraphs in Examinations in Departments of The City of Montgomery that Collect Cash and Checks from Members of the Public."

If you refuse to give a polygraph examination or to answer questions during the examination, you may be subjected to discipline, reassignment, or discharge solely because of your refusal.

A copy of this form shall be given to the employee, and a reasonable effort shall be made to have the employee sign and date the form, a copy of which shall be furnished to the Mayor and City Attorney.

Only a licensed polygraph examiner shall conduct the polygraph examination, and he or she shall follow any Alabama laws, rules, and regulations governing the administering of polygraph examinations.

The results of a polygraph exam shall be put in writing. A copy of the results shall be provided to the employee. No part of the examination, including any reference to the fact that it was administered, shall be made a part of the employee's personnel file or of any public record, unless the exam or results are used in a disciplinary proceeding. If the examination results are not used in a disciplinary proceeding, the only persons who can maintain and have access to the results are the department/division head, the Mayor or Finance Director who requested the polygraph examination, and the City Attorney.