

March 10, 1995

LETTER NO. 95-05

PERSONAL ATTENTION

Deputy Chief Inspectors
Inspectors in Charge
Headquarters Group Managers
ISOSG Managers
All Inspectors

**REPORTING RESULTS OF POLYGRAPH TESTING WITHIN AN INVESTIGATIVE
MEMORANDUM**

Polygraph examinations are voluntary and consensual interviews; therefore, the results can be included in the report to postal management. However, the fact that an individual has refused to submit to a polygraph examination must not be cited in the report as this information may be prejudicial to an employee's employment rights. Management must also understand the polygraph results, or a refusal to submit to the examination, are not, in and of themselves, sufficient to prove or disprove employee misconduct.

The disclosure of polygraph examination results is not, per se, a violation of the Privacy Act, 5 U.S.C. §552(a).

Polygraph examination results are admissible in MSPB proceedings. (Meier v. Dept. of Interior, 3 MSPB 341 (1980))

Based on the above, Section 223.4(n) of the ISM is revised to read: "Any reference to an employee's refusal to take a polygraph examination."

/s/

K. J. Hunter

THIS LETTER WILL REMAIN IN EFFECT UNTIL INCORPORATED IN THE
ISM.