

State of Wisconsin



1995 Senate Bill 213

Date of enactment: **May 1, 1996**
Date of publication*: **May 15, 1996**

1995 WISCONSIN ACT 314

AN ACT *to amend* 111.37 (3), 111.37 (5) (b) (intro.), 111.37 (5) (c) and 111.37 (6) (b); and *to create* 111.37 (5) (bm) of the statutes; **relating to:** polygraph testing of prospective employes of a law enforcement agency.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 111.37 (3) of the statutes is amended to read:

111.37 (3) NOTICE OF PROTECTION. The department shall prepare and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this section. Each employer that administers lie detector tests, or that has lie detector tests administered, to its employes shall post and maintain that notice in conspicuous places on its premises where notices to employes and applicants for employment are customarily posted.

SECTION 2. 111.37 (5) (b) (intro.) of the statutes is amended to read:

111.37 (5) (b) (intro.) Except as provided in sub. (6), this section does not prohibit the use of an employer from administering polygraph tests, or from having polygraph tests administered, on a prospective employe who, if hired, would perform the employer's primary business purpose if the employer's primary business purpose is providing security personnel, armored car personnel or personnel engaged in the design, installation and maintenance of security alarm systems and if the employer protects any of the following:

SECTION 3. 111.37 (5) (bm) of the statutes is created to read:

111.37 (5) (bm) Except as provided in sub. (6), this section does not prohibit a Wisconsin law enforcement agency from administering a polygraph test, or from having a polygraph test administered, on a prospective employe.

SECTION 4. 111.37 (5) (c) of the statutes is amended to read:

111.37 (5) (c) Except as provided in sub. (6), this section does not prohibit the use of a polygraph test by an employer that is authorized to manufacture, distribute or dispense a controlled substance listed in schedule I, II, III, IV or V under ch. 161 from administering a polygraph test, or from having a polygraph test administered, if the test is administered to a prospective employe who would have direct access to the manufacture, storage, distribution or sale of the controlled substance or to a current employe if the test is administered in connection with an ongoing investigation of criminal or other misconduct that involves, or potentially involves, loss or injury to the manufacture, distribution or dispensing of the controlled substance by that employer and the employe had access to the person or property that is the subject of the investigation.

SECTION 5. 111.37 (6) (b) of the statutes is amended to read:

111.37 (6) (b) The exemptions under sub. (5) (b) and to (c) do not apply if an analysis of a polygraph test chart

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

is used, or a refusal to take a polygraph test is used, as the sole basis upon which an adverse employment action de-

scribed in par. (a) is taken against an employe or prospective employe.
