

Reprinted 4/6/83

House File 37 (Reassigned)

Labor and Industrial Relations: Gronstal, Chair; Brammer, Branstad, Grandia and USE FILE

37

Bill Pass 3/10/83 (p. 715) JAN 13 1983

BY JOCHUM

LABOR & INDUSTRIAL RELATIONS

Passed House, Date 3-21-83 (p. 845) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 72 Nays 22 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

Motion to reconsider 3/22/83 (p. 844) w/d 3/21/85

A BILL FOR

1 An Act relating to the use of polygraph examinations as a  
2 condition of employment and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 37

1 Section 1. NEW SECTION. POLYGRAPH EXAMINATION PROHIBITED.  
 2 An employer shall not require an applicant for employment  
 3 or a current employee to take a polygraph examination as a  
 4 condition of employment. An employer who requires a polygraph  
 5 examination as a condition of employment is guilty of a simple  
 6 misdemeanor.

7 EXPLANATION

8 This bill prohibits an employer from requiring a polygraph  
 9 examination as a condition of employment or as a condition  
 10 of continued employment of a current employee. Violation  
 11 of the section is a simple misdemeanor. This bill takes  
 12 effect July 1 following its enactment.

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H-3310

- 1 Amend House File 37 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "employment" the words: "or prospective employment".

BY HANDORF of Marshall  
LAGESCHULTE of Bremer  
STUELAND of Clinton  
PELLETT of Cass

H-3310 FILED MARCH 18, 1983

*Adopted 3/21/83 (p. 842)*

HOUSE FILE 37

H-3311

- 1 Amend House File 37 as follows:
- 2 1. Page 1, by inserting after line 6, the following
- 3 new section:
- 4 "Sec. 2. No employer shall request any person to take
- 5 such an examination without first advising the person
- 6 in writing at the time the examination is to be
- 7 administered of the prohibition contained in section 1."

BY HANDORF of Marshall  
LAGESCHULTE of Bremer  
STUELAND of Clinton  
PELLETT of Cass

H-3311 FILED MARCH 18, 1983

*Adopted 3/21 (p. 844)*

HOUSE FILE 37

H-3319

- 1 Amend the amendment H-3301, to House File 37, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and inserting
- 4 in lieu thereof the following: "dealing with peace
- 5 officers and corrections officers in its employ or
- 6 with a person applying for employment as a peace
- 7 officer or corrections officer."

H-3319 FILED MARCH 21, 1983 BY SPEAR of Lee

*WITHDRAWN (p. 843)*

HOUSE FILE 37

H-3320

- 1 Amend House File 37 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "misdemeanor." the words "This section does not apply
- 4 to an applicant or employee who has or will have
- 5 access to confidential information of an employer
- 6 the knowledge of which would give a competitor a
- 7 competitive advantage over the employer. This section
- 8 also does not apply to an applicant or employee who
- 9 has as a primary job responsibility the receipt and
- 10 disbursement of money."

H-3320 FILED MARCH 21, 1983 BY BENNETT of Ida

MOTION TO SUSPEND RULES LOST *(p. 841)*

HOUSE FILE 37

H-3324

- 1 Amend the amendment H-3301, to House File 37, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and inserting
- 4 in lieu thereof the following: "in the process of
- 5 selecting a candidate for employment as a peace officer
- 6 or a corrections officer."

H-3324 FILED MARCH 21, 1983

ADOPTED *(p. 843)*

BY BRAMMER of Linn

HOUSE FILE 37

H-3301

1 Amend House File 37 as follows:

2 1. Page 1, by inserting after line 6 the following  
3 new section:

4 "Sec. 2. The provisions of section 1 do not apply to  
5 the state or a political subdivision of the state when  
6 dealing with police officers in its employ or with  
7 persons applying to be employed as police officers."

H-3301 FILED MARCH 18, 1983 BY SCHNEKLOTH of Scott

*Amended by 3.324 > Lost 3/21/83 (p. 843)*

HOUSE FILE 37

H-3300

1 Amend House File 37 as follows:

2 1. Page 1, by inserting before line 1, the following  
3 new section:

4 "Section 1. For the purposes of this chapter "polygraph"  
5 means any mechanical or electrical instrument or device of  
6 any type used or allegedly used to examine, test or  
7 question individuals for the purpose of determining  
8 truthfulness."

H-3300 FILED MARCH 18, 1983 BY SCHNEKLOTH of Scott

*Adopted 3/21/83 (p. 842)*

HOUSE FILE 37

H-3302

1 Amend House File 37 as follows:

2 1. Page 1, line 2, by striking the words "An employer  
3 shall not" and inserting in lieu thereof the following:  
4 "No person shall".

5 2. Page 1, line 4, by striking the words "An  
6 employer" and inserting in lieu thereof the following:  
7 "A person".

H-3302 FILED MARCH 18, 1983 BY SCHNEKLOTH of Scott

*4/2 3/21 (p. 842)*

HOUSE FILE 37

H-3303

1 Amend House File 37 as follows:

2 1. Page 1, line 5, by inserting after the word  
3 "employment" the following: "or dismisses or disciplines  
4 in any manner an employee for failing, refusing or  
5 declining to submit to or take a polygraph examination".

H-3303 FILED MARCH 18, 1983 BY HALVORSON of Clayton

*Adopted 3/21 (p. 842)*

HOUSE FILE 37

H-3304

1 Amend House File 37 as follows:

2 1. Page 1, by adding after line 6, the following  
3 new section:

4 "Sec. 2. The prohibition of section 1 does not  
5 apply to the federal government or any agency thereof  
6 or the state government or any agency or local subdivision  
7 thereof including but not limited to counties, cities,  
8 districts, boards and commissions."

H-3304 FILED MARCH 18, 1983 BY HALVORSON of Clayton

*Lost 3/21 (p. 843)*

HOUSE FILE 37

H-3347

- 1 Amend House File 37 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "require" the words "or request".

BY ARNOULD of Scott  
GRONSTAL of Pottawattamie

H-3347 FILED MARCH 22, 1983

HOUSE FILE 37

H-3365

- 1 Amend House File 37 as follows:
- 2 1. By inserting after line 6 the following:
- 3 "Sec. 2. Section 1 does not apply to the state
- 4 or a political subdivision of the state when in the
- 5 process of selecting a candidate for employment as
- 6 a peace officer or corrections officer. This section
- 7 expires June 30, 1985."

H-3365 FILED MARCH 24, 1983 BY BRAMMER of Linn

*Amended per 3469  
Do Pass 4/2/83  
(p. 1167)*

(As Amended and Passed by the House)

As Passed House, Date 4-18-83 (p. 1367) Passed Senate, Date 4-11-83 (p. 1187)

Vote: Ayes 69 Nays 28 Vote: Ayes 27 Nays 17

Approved May 6, 1983 (p. 1913)

## A BILL FOR

- 1 An Act relating to the use of polygraph examinations as a
- 2 condition of employment and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 37

S-3469

- 1 Amend House File 37 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 2 shall not apply to the state
- 6 or a political subdivision of the state when in the
- 7 process of selecting a candidate for employment as
- 8 a peace officer."

S-3469 FILED  
APRIL 8, 1983  
*Adopted 4/11/83 (p. 1186)*

BY COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS  
TED ANDERSON, CHAIR

HOUSE FILE 37

S-3489

- 1 Amend House File 37 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, by striking lines 9 through 16 and
- 4 inserting in lieu thereof the following: "examination
- 5 as a condition of employment is guilty of a simple
- 6 misdemeanor."
- 7 2. By renumbering as necessary.

S-3489 FILED & ADOPTED  
APRIL 11, 1983 (*p. 1187*)

BY MILO COLTON  
TOM SLATER

1 Section 1. For the purposes of this chapter "polygraph"  
2 means any mechanical or electrical instrument or device of  
3 any type used or allegedly used to examine, test or question  
4 individuals for the purpose of determining truthfulness.

5 Sec. 2. NEW SECTION. POLYGRAPH EXAMINATION PROHIBITED.

6 An employer shall not require an applicant for employment  
7 or a current employee to take a polygraph examination as a  
8 condition of employment. An employer who requires a polygraph  
9 examination as a condition of employment or dismisses or  
10 disciplines in any manner an employee for failing, refusing  
11 or declining to submit to or take a polygraph examination  
12 is guilty of a simple misdemeanor.

13 Sec. 3. No employer shall request any person to take such  
14 an examination without first advising the person in writing  
15 at the time the examination is to be administered of the  
16 prohibition contained in section 2.

34697

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SENATE AMENDMENT TO HOUSE FILE 37

H-3713

1 Amend House File 37 as amended, passed and reprinted  
2 by the House as follows:

3 1. Page 1, by striking lines 9 through 16 and  
4 inserting in lieu thereof the following: "examination  
5 as a condition of employment is guilty of a simple  
6 misdemeanor."

7 2. Page 1, by inserting after line 16 the  
8 following:

9 "Sec. \_\_\_\_\_. Section 2 shall not apply to the state  
10 or a political subdivision of the state when in the  
11 process of selecting a candidate for employment as  
12 a peace officer."

13 3. By renumbering as necessary.

H-3713 FILED APRIL 13, 1983

RECEIVED FROM THE SENATE

*House concurred 4/18/83 (p. 1367)*

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Sec. 3. Section 2 shall not apply to the state or a political subdivision of the state when in the process of selecting a candidate for employment as a peace officer.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

HOUSE FILE 37

AN ACT  
RELATING TO THE USE OF POLYGRAPH EXAMINATIONS AS A CONDITION  
OF EMPLOYMENT AND PROVIDING A PENALTY.

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

I hereby certify that this bill originated in the House and is known as House File 37, Seventieth General Assembly.

Section 1. For the purposes of this chapter "polygraph" means any mechanical or electrical instrument or device of any type used or alledgedly used to examine, test or question individuals for the purpose of determining truthfulness.

Sec. 2. NEW SECTION. POLYGRAPH EXAMINATION PROHIBITED.  
An employer shall not require an applicant for employment or a current employee to take a polygraph examination as a condition of employment. An employer who requires a polygraph examination as a condition of employment is guilty of a simple misdemeanor.

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

Approved May 6, 1983

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TERRY E. BRANSTAD  
Governor