

COUNCIL OF THE DISTRICT OF COLUMBIA

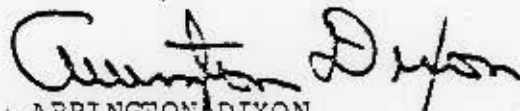
NOTICE

D. C. LAW 2-154

"Prevention of the Administration of Lie Detection Procedures
Act of 1978"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-225, on first and second readings, November 28, 1978 and December 12, 1978 respectively. Following the signature of the Mayor on December 29, 1978, this legislation was assigned Act No. 2-320, published in the January 26, 1979, edition of the D.C. Register, (Vol. 25, page 6980) and transmitted to Congress on January 19, 1979 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites the following legislation as D.C. Law 2-154, effective March 6, 1979.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	19, 22, 23, 24, 25, 26, 29, 30, 31
February	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5

D.C. LAW 2-154

Enrolled Original

MAR 06 1979

AN ACT

2-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 1978

To prevent the administration of lie detector tests to employees and prospective employees of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prevention of the Administration of Lie Detection Procedures Act of 1978".

Sec. 2. As used in this act, the term--

(a) "employee" means any natural person who performs any labor for compensation, in whole or in part in the District of Columbia; but does not include:

(1) employees of any authority of the government of the United States other than the District of Columbia government;

(2) employees of any foreign government; or

(3) employees of any international organization defined in 22 U.S.C. 288.

(b) "employer" means any one who employs any natural person and who does business in the District of Columbia, but does not include any agency or authority of the federal government.

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(c) "hiring procedure" means any procedure or action in the District of Columbia used to find, or to select for employment, any person seeking employment, whether the procedure is used by a prospective employer with all persons seeking employment, or is used only selectively with such persons.

(d) "lie detector test" means any polygraph, lie detector, or other test which any mechanical, electrical, chemical, or physiological means attempts to determine whether a person is telling the truth, or the truth to the best of the person's knowledge.

Sec. 3. (a) No employer or prospective employer shall administer, accept or use the results of any lie detector test in connection with the employment, application or consideration of an individual, or have administered, inside the District of Columbia, any lie detector test to any employee, or, in or during any hiring procedure, to any person whose employment, as contemplated at the time of administration of the test, would take place in whole or in part in the District of Columbia.

(b) The provisions of this section shall not apply to any criminal or internal disciplinary investigations conducted by the Metropolitan Police, the Fire Department and the Department of Corrections.

Sec. 4. (a) Any administration of a lie detector test to any employee or person seeking employment, in violation of section 3 of this act, shall be an unwarranted invasion of privacy in the District of Columbia, and shall be *compensable by damages for tortious injury.*

(b) No contract or arbitration decision shall contain any provision in violation of section 3 of this act.

(c) Any employer, who violates the provisions of section 3 of this act, shall be guilty of a misdemeanor and subject to a fine of \$500.00, or thirty (30) days in jail or both, upon conviction.

(d) Any employer who violates the provisions of this act shall be civilly liable to the person who he or she required to take a polygraph or similar examination, and the amount of damages shall be established by the court, plus reasonable attorney's fees. Remedies available under section 4(c) and (d) shall be deemed alternative or joint relief, and not subject to waiver by the exercise of the other.

Sec. 5. This act shall take effect pursuant to section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: Bill 2-225

First Reading Action: November 28, 1978

VOICE VOTE: Adopted Unanimously (2abs) Clarke, Dixon

Patricia E. Henry
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.S.	COUNCIL MEMBER	AYE	NAY	N.V.	A.S.	COUNCIL MEMBER	AYE	NAY	N.V.	A.S.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Inaction Vote A. S.—Absent N. V.—Not Voting

Secretary to the Council

Amended First Reading Action: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.S.	COUNCIL MEMBER	AYE	NAY	N.V.	A.S.	COUNCIL MEMBER	AYE	NAY	N.V.	A.S.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Inaction Vote A. S.—Absent N. V.—Not Voting

Secretary to the Council

Final Reading or Emergency Action: December 12, 1978

VOICE VOTE: Adopted Unanimously (1abs) Shackleton

Patricia E. Henry
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.S.	COUNCIL MEMBER	AYE	NAY	N.V.	A.S.	COUNCIL MEMBER	AYE	NAY	N.V.	A.S.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				

RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No: Bill 2-225

Presented to the Mayor: DEC 15 1978

Patricia E. Murray
Secretary to the Council

Action of the Mayor: 29 DEC 1978

- Approved: Disapproved:
 Disapproved in part --*Reference Document: _____
 *Budget Actions.

Walter W. Washington
Mayor of the District of Columbia
29 DEC 1978

Returned Without Action

Executive Secretary, D. C.

Enacted without Mayor's Signature _____

Secretary to the Council

Council Reenactment: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	AB.	COUNCIL MEMBER	AYE	NAY	AB.	COUNCIL MEMBER	AYE	NAY	AB.
TUCKER				MASON				SPAULDING			
HARDY				MCCRE, D.				WILSON			
BARRY				MCCRE, I.				WINTER			
CLARKE				ROLARK							
BEYON				SHACKLETON							
In Absentia Vote A. E. N. V. Not Voting											

Secretary to the Council

Presented to the President: _____

Secretary to the Council

Action of the President: _____

- Reenactment Approved
 Mayor's Veto Sustained

President of the U. S.

Submitted to the Congress: _____

Secretary to the Council

Senate Action: _____
Resolution Number: _____

House Action: _____
Resolution Number: _____

Secretary of the Senate

Clerk of the House