

CDL – DESIGNATED EMPLOYER REPRESENTATIVE (DER) BEST PRACTICES

The United States Department of Transportation Commercial Driver's License (CDL) regulations require organizations with one or more CDL drivers to designate at least one individual with the responsibility to make formal decisions regarding the controlled substance and alcohol testing program. This person is called the Designated Employer Representative (DER).

The DER must be an employee of the agency and must have a complete understanding of the CDL controlled substances and alcohol testing procedures and the employer's policies. They must be available to receive confidential test results and other communications concerning the testing of employees.

Most importantly, the DER must be authorized (i.e. empowered) to take immediate action to remove employees from 'Safety-Sensitive Duties' if test results warrant that action in compliance with federal laws.

SELECTING

Each agency will need to decide which employee is available and best suited to fulfill the responsibilities outlined above. It's recommended the agency officially appoints a principal DER and a backup DER. Ideally, it would be preferable to appoint a supervisory employee from the department with CDL drivers as the principal DER and, an employee from the Human Resources or Administrative area as the backup. We are aware that for many smaller agencies, this may not be feasible. Based on possible conflicts of interest that may arise if enforcement action is taken, we do not recommend the appointment of the business administrator or, a superior officer in the Police Department to serve as the DER or backup.

It is strongly encouraged both the principal and backup DER to attend one of the MSI DER training that will prepare the DER to fulfill this role with all of the knowledge and tools necessary to perform this function proficiently. Course content includes:

- What it means to be a DER.
- The roles and responsibilities of a DER.
- The DOT regulations of a Controlled Substance & Alcohol Testing Program.
- How to manage a controlled substance and alcohol-free workplace program for DOT-covered employees.
- The controlled substance and alcohol testing process and how to handle problems in testing.
- How to handle refused, adulterated, or failed drug and alcohol tests
- How to select and monitor service agents.
- Training requirements for employees and supervisors.
- Which records must be kept and for how long.