



Selecting a Designated Employer Representative (DER)

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

The D.E.R. must be an employee of the municipality or public agency and must have a complete understanding of the CDL drug and alcohol testing procedures and the employer's policies. He or she must be available to receive confidential test results and other communications concerning testing of employees.

Most importantly, the D.E.R. 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.

Who should be appointed as the Designated Employer Representative (D.E.R.)?

Each municipality will need to decide which employee is available and best suited to fulfill the responsibilities outlined above. The Safety Director recommends municipalities officially appoint a principal D.E.R. and a backup D.E.R. Ideally, it would be preferable to appoint a supervisory employee from the public works area as the principal D.E.R. and, an employee from the Human Resources or Administrative area as the backup. We are aware that for many smaller municipalities, 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 D.E.R. or backup.

The Safety Director strongly encourages both the principle and backup D.E.R. attend one of the JIF-sponsored training courses that will prepare the Representatives to fulfill this role with all of the knowledge and tools necessary to perform this function proficiently. Course content will include:

- What it means to be a DER;
- The roles and responsibilities of a DER;
- The DOT regulations of a Drug & Alcohol Testing Program;
- How to manage a drug and alcohol-free workplace program for DOT covered employees;
- The drug and alcohol testing process and how to handle problems in testing;
- How to handled 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;

D.E.R. classes in your area will be announced through the Office of the Safety Director of each Joint Insurance Fund.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, contact your Safety Director at 877.398.3046.