

Choose and prepare your company's Designated Employee Representative (DER)?

Your company is required to have a Designated Employee Representative or DER.

The definition of a Designated Employee Representative according to the new CFR 49 part 40 is:

“An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.”

What are the duties of your designated employee representative?

Immediately remove employees from safety-sensitive duties who have tested positive or refused to test.

When an employee violates the regulations, it's the DER's job to perform, or delegate but oversee the task of removing an employee from safety sensitive duties when they have tested positive or refused to test.

Make required decisions in the testing and evaluation processes.

On a day-to-day basis someone has to make the key decisions that guide a drug testing program, The DER is the “point person” for this effort.

Receive test results and other communications

The DER is the confidential contact person who is authorized to receive employee drug and alcohol test results and correspond with service agents.

What a Designated Employee Representative needs to Know

In order to be consistent with requirements of the regulations, your DER will need to access and familiarize themselves with the Code of Federal Regulations Title 49, part 382 and 40 as well as others. To see the most current version of the regulations go to the following link:

<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=3e16940a1cddd40eaaffebb1863b0f97&rgn=div5&view=txt&node=49:5.1.1.2.25&idno=49>