



## **Core Competencies Designated Employer Representative (DER)**

The DER operates in a complex environment requiring skills and knowledge in a variety of subject areas related to drug and alcohol testing management. For the purpose of DER accreditation, the competency, skills and knowledge subject areas are divided into these categories:

- Regulatory issues
- Alcohol and drug testing collections and procedures
- Random testing and C/TPA services (if applicable)
- Training, development, and leadership
- Knowledge of service agent product offerings
- Ethical standards, integrity, and confidentiality

### **I. Regulatory Issues**

Competency Statement: The DER must be knowledgeable about applicable regulations and rules including Federal and State guidelines for drug and alcohol testing programs. These regulations include Department of Health and Human Services (HHS) Mandatory Guidelines, 49 CFR Part 40, applicable Federal Agency regulations, Department of Transportation (DOT), and various state programs and laws regarding drug and alcohol testing and Drug free Workplace Programs (DFWP). The DER must also have knowledge of applicable state and local marijuana laws in the areas where the employer performs employee testing, including an understanding of how those laws and regulations impact workplace drug testing programs.

### **II. Alcohol and Drug Testing Collections and Procedures:**

Competency Statement: The DER may or may not directly perform breath alcohol testing and/or specimen collections but certainly coordinates these services on behalf of their employer. The DER must ensure their vendors providing alcohol testing and specimen collections are performing these services in accordance with applicable rules and regulations. Knowledge of collections and procedures will enable the DER to:

- Describe and apply appropriate procedures for chain of custody and for urine specimen collections and problem collections
- Describe and apply appropriate procedures for alcohol testing, alcohol screening tests and problem tests
- Perform inspection of service agents to include collection sites and personnel

The DER should ensure the service agents providing breath alcohol testing and/or specimen collections are appropriately trained and qualified to perform these services. The DER should have written procedures for coordination and management of specimen collection and alcohol testing service providers, including contracts or agreements for services being provided, mechanisms for evaluating their performance, and dispute resolution measures for billing or service issues.

### **III. Random Testing and C/TPA Services**

Competency Statement: The DER must have knowledge of and operational procedures for regulatory compliant random testing and consortium services. The procedures shall include a scientifically valid computerized selection method and efficient notification process. DOT best practices for random testing should be followed. A clear procedure for managing the random testing consortium for owner operators must be in place with consortium rules and a signed contract or agreement with each consortium member (where applicable).

### **IV. Training, Development and Leadership**

The DER works in an evolving industry and must stay abreast of regulations and industry knowledge. The DER and staff should be involved in ongoing training on regulations, emerging technologies, substance abuse trends in America and industry best practices. The DER should participate in industry associations for ongoing training events and annual conferences. The DER should exhibit proficient management and leadership skills and set the example, while fostering a culture of following company procedures, industry standards and best practices.

### **V. Knowledge of Service Agent Product Offerings**

Competency Statement: The DER must know and understand the products and services provided by their service agents. Drug test panels and specimens being tested at laboratories are complex; there are many options besides the standard five panel and federal panels. An understanding of the MRO process and responsibilities is critical to the DER, whether these services are offered internally or outsourced. Knowledge and understanding of current and emergent technologies used to conduct tests, distribute test results, and manage random testing is critical. If other non-testing services are included in the DFWP, there must be a thorough knowledge of these services and how they work. These might include but are not limited to:

- Various physical examinations scheduling and management
- Driver qualification file management
- Applicable DOT agency required drug and alcohol background checks (i.e. FAA required PRIA 8060-12 and 40.25)
- FMCSA safety check requirements management (391.23)
- Motor Vehicle Records (MVR) check
- FMCSA Clearinghouse services (reporting, queries)
- Related background check services

### **VI. Ethical Standards, Integrity and Confidentiality**

Competency Statement: Workplace drug testing affects the livelihood of job applicants and employees; thus, ethical conduct and confidentiality are critical functions of the DER and staff. A DER must take responsibility for mistakes or errors, find the root cause, resolve the issue, and take steps to ensure the issue does not continue to occur. The employer must provide the DER with the authority to discharge their administrative duties as required in the regulations. Respect for employees, staff, customers, service agents, and competitors is a core value for integrity in the drug and alcohol testing industry. The Accredited DER shall abide by the current published NDASA DER code of ethics.