

Beverly Eaves Perdue, Governor  
Pamela T. Young, Chair



Bernadine S. Ballance, Commissioner  
Linda Cheatham, Commissioner  
Laura K. Mavretic, Commissioner  
Danny L. McDonald, Commissioner  
Staci Meyer, Commissioner  
Christopher Scott, Commissioner

## North Carolina Industrial Commission

### MINUTES

#### GUIDELINES FOR INTERPRETER ETHICS

Effective January 1, 2011, in accordance with Rule 616 of the Workers' Compensation Rules of the North Carolina Industrial Commission and Rule 4A(f) of the Rules for Mediated Settlement and Neutral Evaluation Conferences of the North Carolina Industrial Commission, the Industrial Commission adopts the Code of Ethical Conduct for Court Interpreters promulgated by the North Carolina Administrative Office of the Courts on September 25, 2000. This Code is contained in Chapter 4 of the *Guidelines for the Use of Foreign Language Interpreting and Translating Services in the Court System* prepared by the Administrative Office of the Courts and posted at

<http://www.nccourts.org/Citizens/CPrograms/Foreign/documents/guidelines.html#Chapter%204>.

This the 20 day of December 2010.

Pamela T. Young  
Chair

Bernadine S. Ballance  
Commissioner

Laura Kranifeld Mavretic  
Commissioner

Staci Meyer  
Commissioner

Linda Cheatham  
Commissioner

Danny L. McDonald  
Commissioner

Christopher Scott  
Commissioner

4. An attorney withdrawing from representation whose client wishes to appeal an Order, Decision, or Award to the Full Commission shall timely file a notice of appeal on behalf of his or her client either before or with his or her Motion to Withdraw.

**14. Rule 616, Foreign Language Interpreters, is amended by adding a new section, to read:**

6. Interpreter Ethics. Foreign language interpreters shall abide by the code of ethical conduct for court interpreters promulgated by the North Carolina Administrative Office of the Courts and adopted by the Industrial Commission and shall interpret as word for word as is practicable, without editing, commenting, or summarizing, testimony or other communications.

**15. The Rules are amended by adding a new Rule 617 to read:**

Rule 617. Electronic Service and Verification of Service by the Commission.

Consistent with the provisions in N.C. Gen. Stat. §§97-84, 97-85, and 97-86, the Commission shall establish guidelines for the electronic submission, including electronic mail and facsimile, of documents and communications.

**16. Section 4 of Rule 701, Appeals to the Full Commission, reads as rewritten:**

Appellant's Form 44 and brief in support of his grounds for appeal shall be filed in triplicate with the Industrial Commission, with a certificate indicating service on appellee by mail or in person, within 25 days after receipt of the transcript, or receipt of notice that there will be no transcript. Thereafter, appellee shall have 25 days from service of appellant's brief within which to file a reply brief in triplicate with the Industrial Commission, with written statement of service of copy by mail or in person on appellant. When an appellant fails to file a brief, appellee shall file his brief within 25 days after appellant's time for filing brief has expired. A party who fails to file a brief will not be allowed oral argument before the Full Commission. If both parties appeal, they shall each file an appellant's and appellee's brief on the schedule set forth herein. ~~The parties may file with the Docket Director a written stipulation to a single extension of time for each party, not to exceed 30 days, if the matter has not been calendared for hearing.~~ If the matter has not been calendared for hearing, any party may file with the Docket Director a written stipulation to a single extension of time not to exceed 15 days. In no event shall the cumulative extensions of time exceed 30 days.

**17. Section 2 of Rule 702, Appeal to the Court of Appeals, reads as rewritten:**

**6. The Rules are amended by adding a new Rule 4A, to read:**

Rule 4A. Foreign Language Interpreters.

(a) Services of Foreign Language Interpreters Required Unless Waived. When a person who does not speak or understand the English language is required to attend a mediation conference, the person shall be assisted by a qualified foreign language interpreter unless the right to an interpreter is waived by both parties.

(b) Qualifications of Interpreters. To qualify as a foreign language interpreter, a person must possess sufficient experience and education, or a combination of experience and education, speaking, and understanding English and the foreign language to be interpreted, to qualify as an expert witness pursuant to N.C. Gen. Stat. §8C-1, Rule 702.

(c) Notice to Industrial Commission and Opposing Party of Need for Interpreter. Any party who is unable to speak or understand English shall so notify the Industrial Commission and the opposing party, in writing, not less than 21 days prior to the date of the mediation conference. The notice shall state with specificity the language(s) that must be interpreted.

(d) Designation of Interpreter. Upon notice of the need for an interpreter, the employer or insurer shall retain a qualified, disinterested interpreter, either agreed upon by the parties or approved by the Industrial Commission, to assist at the mediation conference.

(e) Interpreter Fees. The interpreter's fee shall constitute a cost as contemplated by N.C. Gen. Stat. §97-80. A qualified interpreter who appears at a mediation conference shall be entitled to payment of the fee agreed upon by the interpreter and employer or insurer that retained the interpreter. Except in cases where a claim for compensation has been prosecuted without reasonable ground, the fee agreed upon by the interpreter and employer or insurer shall be paid by the employer or insurer. Where it is ultimately determined by the Commission that the request for an interpreter was unfounded, attendant costs may be assessed against the movant.

(f) Interpreter Ethics. Foreign language interpreters shall abide by the code of ethical conduct for court interpreters promulgated by the North Carolina Administrative Office of the Courts and adopted by the Industrial Commission and shall interpret, as word for word as is practicable, without editing, commenting, or summarizing, testimony or other communications.

**7. Section (b)4. of Rule 6, Authority and Duties of Mediators, reads as rewritten:**

Reporting Results of Conference. In all cases within the Commission's jurisdiction, whether mediated voluntarily or pursuant to an order of the Commission, the mediator shall report the results of the conference on a form provided by the Commission. If an agreement was reached, the report shall state whether the issue or matter under mediation