

**Regulatory Impact Analysis**  
**Sign Language Interpreters**  
**11 NCAC 23A .0619, .0621**

|                             |                                      |
|-----------------------------|--------------------------------------|
| Agency:                     | North Carolina Industrial Commission |
| Contact:                    | Dana McGhee – (919-807-2674)         |
| Rule proposed for amendment | 11 NCAC 23A .0619                    |
| Rule proposed for adoption  | 11 NCAC 23A .0621                    |

|                              |     |
|------------------------------|-----|
| State Impact:                | Yes |
| Local Impact:                | Yes |
| Private Impact:              | Yes |
| Substantial Economic Impact: | No  |

|                      |                       |
|----------------------|-----------------------|
| Statutory Authority: | G.S. § 8B-8; 97-80(a) |
|----------------------|-----------------------|

**Executive Summary**

This rule is proposed for adoption to align with G.S. 8B-8(e), which requires State agencies to pay fees and expenses for sign language interpreters. All other components of the rule are simply being moved from Rule 11 NCAC 23A .0619, meaning no new impacts are expected apart from shifting interpreter costs from employers/insurers to the Industrial Commission.

The Commission will retain and pay for sign language interpreters as set forth in G.S. 8B-8(e), except that in cases where the Commission ultimately determines that the request for a sign language interpreter was unfounded, the attendant costs shall be assessed to the party who requested the interpreter.

The rule requires parties to notify the Commission, in writing, not less than 21 days prior to the date of the hearing of the need for an interpreter. The 21-day notice is intended to give the Commission sufficient time to retain a qualified interpreter, prevent delays in the hearing, and reduce the risk of the hearing being continued. The rule also helps ensure access to qualified interpreter services for deaf or hard-of-hearing claimants and witnesses consistent with the Americans with Disabilities Act (ADA).

The proposed rule is expected to result in an increase in expenditures for the Industrial Commission. Based on the average caseload from the past two years, the projected annual cost for interpreter services from FY 2027-28 through FY 2031-32 ranges from **\$0 to \$17,465**. This estimate reflects an interpreter wage range of \$30 to \$145 per hour, a projected utilization rate between 0% and 3.6%, and incorporates a 4% annual wage growth adjustment for interpreters

It is important to note that actual annual costs are expected to fall well below the upper end of this range. The high-end scenario assumes maximum interpreter utilization and the highest hourly rates, but in practice, interpreter requests have been rare and the highest rates are associated with transliterator services, which are presumed to be needed less frequently. Therefore, the most likely annual costs will be significantly lower than the maximum scenario.

The Commission would also experience a small incremental administrative impact from obtaining sign language interpreter services for workers' compensation cases. Because the Commission already manages similar interpreter-related procedures, the proposed rule would primarily extend existing administrative capabilities.

Overall, the proposed rule is expected to result in a relatively small increase in State expenditures to the Industrial Commission and equivalent savings to employers and insurers.

### **Baseline**

Currently, employers or insurers retain qualified sign language interpreters and pay the fee for these sign language interpreters.

### **Proposed Rule**

The proposed rule would require the Commission to retain and pay for a qualified sign language interpreter for parties or witnesses that are speech or hearing impaired. The rule establishes a process for a party to notify the Commission of the need for a qualified sign language interpreter and requires the Commission to retain an interpreter when one is needed.

### **Impact Analysis**

#### ***Projected Number and Type of Proceedings***

The Commission's estimate is based on the number and average length of workers' compensation hearings held by Deputy Commissioners and the Full Commission. In FY 2024-25, there were 111 Full Commission workers' compensation hearings held and 375 Deputy Commissioner workers' compensation hearings held, and in FY 2025-26, there were 83 Full Commission workers' compensation hearings held and 430 Deputy Commissioner workers' compensation hearings held. For purposes of this analysis, the projected estimated number of hearings held is based on approximately 500 hearings held annually that could potentially require a sign language interpreter. This figure was calculated by averaging the total number of Full Commission and Deputy Commissioner hearings held in FY 2024-25 and FY 2025-26. There is no data available for prior fiscal years that captures the number of workers' compensation hearings that were actually held (as opposed to being scheduled but not held) at the Deputy Commissioner and Full Commission levels because the Industrial Commission's prior computer management system did not allow the Commission to run reports showing only the hearings that were held.

#### ***Interpreter Utilization Assumptions***

The Commission estimates that between **0%** and **3.6% of cases** may require sign language interpretation. The 3.6% figure is based on the estimated share of the U.S. population who self-report with profound or total hearing loss, but this is not a direct measure of demand for sign language interpreter services in workers' compensation hearings.<sup>1</sup> According to Commission observations, actual requests for sign language interpreters are rare, so the 3.6% assumption likely overstates the need in a typical year.

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<sup>1</sup> U.S. Census Bureau, 2021, American Community Survey 1-Year Estimates: Selected Population Profile in the United States (Hearing Difficulty). Retrieved via [U.S. Census Bureau Data Portal](https://data.census.gov/tables/).

Importantly, the percentage of the general population with profound or total hearing loss does not equate to the percentage of workers' compensation hearings requiring a sign language interpreter. As a result, the 3.6% estimate likely overstates actual sign language interpreter utilization in workers' compensation hearings, making the high-end cost estimates more appropriately characterized as a high-end sensitivity estimate rather than an expected annual cost.

### ***Estimated Number of Proceedings Requiring Interpreter Services***

Applying the interpreter utilization assumptions to the projected number of hearings held provides an estimate of the number of hearings that may require sign interpreter services each year. For purposes of this analysis, the projected estimated number of hearings held is based on approximately 500 hearings held annually that could potentially require a sign language interpreter.

***Table 1. Estimated Annual Number of Hearings Requiring Sign Language Interpreter Services under Low and High Utilization Scenarios***

| <b>Projected Annual Hearings</b> | <b>Utilization Scenario</b> | <b>Total Sign Language Interpreter Hearings</b> |
|----------------------------------|-----------------------------|-------------------------------------------------|
| <b>500</b>                       | Low (0%)                    | 0                                               |
| <b>500</b>                       | High (3.6%)                 | 18 (3 FC; 15 DC)                                |

### ***Time and cost per hearing***

For the analysis, the Commission uses an hourly rate range of **\$30 to \$145**. This rate was selected to capture both standard and actual invoiced rates. Recent invoices by the North Carolina Administrative Office of the Courts show sign language interpreter rates of between \$65 to \$125 per hour. The North Carolina Department of Health and Human Services (DHHS) provides standard contracted rates for sign language interpreting and transliterator services, which range from \$90 to \$145 per hour for fully licensed interpreters under agency contracts, and \$30 to \$85 per hour for fully licensed independent contractors. In addition, DHHS provides mileage reimbursement at 72.5 cents per mile, consistent with IRS guidelines. Interpreter rates vary depending on whether the interpreter is contracted through an agency or as an individual, the time of day that services are provided, interpreter credentials, and the type of service provided.

All of these rates exceed the Bureau of Labor Statistics (BLS) reported mean hourly wage of \$28.79 for the Interpreters and Translators occupational group as of May 2025<sup>2</sup>. The BLS wage was not used in our analysis because the sign language interpreters expected to provide services in the affected workers' compensation cases would generally be self-employed and would charge a service rate rather than receive an hourly employee wage.

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<sup>2</sup> <https://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm>

**Table 2. Estimated Cost per Proceeding**

| Type of Hearing                    | Avg. Length (no interpreter) | Length w/ Interpreter | Additional Travel/Waiting | Total Interpreter Hours Billed | Estimated Cost per Hearing                        |
|------------------------------------|------------------------------|-----------------------|---------------------------|--------------------------------|---------------------------------------------------|
| <b>Full Commission hearing</b>     | 1 hour                       | 2 hours               | 1 hour                    | 3 hours                        | <b>\$90 (\$30/hr)</b><br><b>\$435 (\$145/hr)</b>  |
| <b>Deputy Commissioner hearing</b> | 2.5 hours                    | 5 hours               | 1 hour                    | 6 hours                        | <b>\$180 (\$30/hr)</b><br><b>\$870 (\$145/hr)</b> |

**Notes:**

- Assumes that an interpreter would approximately double the time required for a hearing.
- Additional travel/waiting time is added as one hour per hearing.

**Projected Costs**

Using the proceeding volume and interpreter utilization assumptions described above, the projected annual costs vary depending on the assumed utilization rate and interpreter wage. The following table presents three scenarios considered in the analysis. The wage rates were also adjusted year over year using historical hourly wage data from the Bureau of Labor Statistics<sup>3</sup> adjusted with Congressional Budget Office general wage growth projections<sup>4</sup>, which averaged 4.0% per year for 2027-2031.

**Table 3. Projected Annual Statewide Costs for Interpreter Services Under Alternative Utilization and Wage Scenarios**

| Scenario                           | FY 2027-28 | FY 2028-29 | FY 2029-30 | FY 2030-31 | FY 2031-32 |
|------------------------------------|------------|------------|------------|------------|------------|
| <b>Low utilization – low wage</b>  | \$0        | \$0        | \$0        | \$0        | \$0        |
| <b>High utilization – low wage</b> | \$3,089    | \$3,212    | \$3,341    | \$3,475    | \$3,613    |
| <b>High utilization- high wage</b> | \$14,929   | \$15,526   | \$16,147   | \$16,793   | \$17,465   |

Based on these scenarios, annual costs to the Commission are projected to range from \$0 to approximately \$17,465 over the five-year analysis period. The lower utilization scenario is based on anecdotal observations of sign language interpreter use that may understate future demand, while the high utilization scenario relies on general population characteristics that likely overstate the proportion of Industrial Commission workers' compensation hearings requiring sign language interpreter services. This wide range highlights genuine uncertainty about sign language interpreter demand and wage rates. The most likely costs fall well below the high utilization, high-wage scenario, as the highest hourly rates were paid for transliterator services,

<sup>3</sup> Occupational Employment and Wage Statistics, Interpreters and Translators (27-3091), May 2025, Bureau of Labor Statistics, <https://data.bls.gov/oes/#/home>

<sup>4</sup> Historical Data and Economic Projections, Feb 2026, Congressional Budget Office, <https://www.cbo.gov/data/budget-economic-data#11>

which are presumed to be required less frequently than other types of sign language interpretation.

Some assumptions may overstate costs, most notably the amount of time assumed to be added to a hearing by having a sign language interpreter present. This effect would be most notable for Deputy Commissioner hearings, for which the analysis assumes an interpreter would add 2.5 hours to the length of the hearing. Costs per hearing are also likely to be lower than estimated in this analysis because the Commission, drawing on its experience in other types of hearings, may be able to schedule all cases requiring interpreter services on the same day, thereby reducing the travel and waiting costs associated with securing an interpreter.

## **Impacts by Affected Party**

### **Industrial Commission**

The primary fiscal impacts of the proposed rule would be incurred by the Industrial Commission. The proposed rule requires the Commission to retain the qualified interpreter and provides that the interpreter's fee is to be paid by the Commission, unless the Commission ultimately finds that the request for the interpreter was unfounded, in which case the party that requested the interpreter must pay. In addition to these direct interpreter costs, the rule would result in some additional administrative responsibilities for the Commission, including receiving and processing written notices of sign language interpreter requests, addressing interpreter needs identified during the course of a hearing, arranging interpreter services, and receiving and paying interpreter invoices.

Although this represents an additional staff time cost, the relatively small number of requests anticipated each year means that the work is expected to be absorbed within existing staff capacity and regular duties. Therefore, aside from the interpreter fees themselves, the proposed rule is not expected to require additional staff or result in significant additional administrative expenditures.

### **Employers and Insurers**

The proposed rule would create a financial benefit for employers and insurers, who currently pay for sign language interpreter services in workers' compensation hearings. By shifting this responsibility to the Commission, the costs incurred by employers and insurers would be transferred to the Commission.

It is important to note that the highest projected costs are based on scenarios where interpreter utilization and wage rates are at their maximum. However, the most likely costs fall below this high-end estimate, since the highest hourly rates are paid for transliterator services, which are presumed to be required less frequently than other types of sign language interpretation. As a result, the typical annual savings for employers and insurers -- and the corresponding costs for the Commission -- are expected to be lower than the maximum scenario presented in the analysis.

### **Local Governments**

The proposed rule is likely to provide benefits to local governments in their role as employers. If a local government is a party to a workers' compensation proceeding and would otherwise be responsible for interpreter fees, the transfer of these costs to the Commission means local

governments could realize savings. The actual amount of benefit received by local governments will depend on how often they are involved in hearings requiring sign language interpreter services, which is unknown. Nevertheless, any sign language interpreter costs that would have been paid by local governments will now be absorbed by the Commission, resulting in a transfer of expenditure and potential fiscal relief for local government employers.

## **Summary**

The proposed rule is expected to result in a relatively small increase in State expenditures for interpreter services in workers' compensation cases involving claimants or witnesses who require sign language assistance. Based on the Commission's caseload – which is projected to remain consistent with the average of the past two years – annual Statewide costs are estimated at approximately **\$0 to \$17,465**, depending on interpreter and utilization rates. The analysis also considers the possibility that no sign language interpreter services are needed in a given year.

However, actual costs are expected to fall significantly below the high-end estimate. This is because the 3.6% utilization rate likely overstates demand, as sign language interpreter requests have historically been rare. Additionally, the highest hourly rates are associated with transliterator services, which are presumed to be required less frequently than other types of sign language interpretation. As a result, the most likely annual costs will be well below the maximum scenario presented.

The proposed rule would also require Commission staff to arrange sign language interpreter services. While this represents an additional administrative cost, the relatively small number of requests expected each year should allow the Commission to absorb this work within existing staff capacity and regular duties, without the need for additional staff or expenditures.

11 NCAC 23A .0619 FOREIGN LANGUAGE ~~AND SIGN LANGUAGE~~ INTERPRETERS

(a) When a person who does not speak or understand the English language ~~or who is speech or hearing impaired~~ is either called to testify in a hearing, other than in an informal hearing conducted pursuant to G.S. 97-18.1, or appears unrepresented before the Full Commission for an oral argument, the person, whether a party or a witness, shall be assisted by a qualified interpreter upon request. ~~For purposes of this Rule, "language" means foreign language or sign language.~~

(b) To qualify as a foreign language interpreter, a person shall 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 G.S. 8C-1, Rule 702. ~~For~~ Spanish language ~~interpretation,~~ ~~the interpreter must~~ shall be "Level A" certified by the North Carolina Administrative Office of the Courts. A person qualified as an interpreter under this Rule shall not be interested in the claim and shall ~~make a declaration~~ declare under oath or affirmation to interpret accurately and truthfully, meaning without any additions or deletions, all questions propounded to the witness and all ~~responses.~~ responses thereto.

~~(c) To qualify as a sign language interpreter, a person shall possess a license from the North Carolina Interpreter and Transliterator Licensing Board, under Chapter 90D of the North Carolina General Statutes.~~

(d) Any party who is unable to speak or understand English, ~~or who is speech or hearing impaired,~~ or who intends to call as a witness a person who is unable to speak or understand ~~English or who is speech or hearing impaired,~~ English, shall ~~so~~ notify the Commission and the opposing party, in writing, not less than 21 days prior to the date of the hearing. The notice shall state the ~~language(s)~~ languages that shall be interpreted for the Commission.

(e) Upon receiving or giving the notice required in Paragraph (d) of this Rule, the employer or insurer shall retain an interpreter who possesses the qualifications listed in Paragraph (b) ~~or (c)~~ of this Rule to appear at the hearing and interpret the testimony or oral argument of all persons identified in the notice given under ~~for whom the notice in~~ Paragraph (d) of this Rule. ~~Rule has been given or received.~~

(f) The interpreter's fee shall constitute a cost as set forth in G.S. 97-80. A qualified interpreter who interprets testimony or oral argument for the Commission is 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~~ employer or insurer shall pay the fee agreed upon by the interpreter and employer ~~or insurer. insurer shall be paid by the employer or insurer.~~ When the Commission ultimately determines that the request for an interpreter was unfounded, attendant costs shall be assessed against the movant.

(g) Foreign language interpreters shall abide by the Code of Ethics and Professional Conduct for Court Interpreters, contained in Section 11 of Standards for Language Access Services, North Carolina Judicial Branch and promulgated by the North Carolina Administrative Office of the Courts, and shall ~~interpret, as interpret~~ word for word as is ~~practicable,~~ practicable without editing, commenting, or summarizing, testimony or other communications. The Code of Ethics and Professional Conduct for Court Interpreters is hereby incorporated by reference and includes subsequent amendments and editions. A copy may be obtained at no charge from the North Carolina Administrative Office of the Court's

website, [https://www.nccourts.gov/assets/inline-files/02\\_2\\_NC\\_Standards\\_for\\_Language\\_Access\\_0.pdf?NhuszCAEVfS8KkdLetH97b9I4NRBed.f](https://www.nccourts.gov/assets/inline-files/02_2_NC_Standards_for_Language_Access_0.pdf?NhuszCAEVfS8KkdLetH97b9I4NRBed.f),

1 [https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-](https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf?VersionId=n5TwbJFTGat3fYaRbwKE5GUZzg3raaDF)  
2 [2024.pdf?VersionId=n5TwbJFTGat3fYaRbwKE5GUZzg3raaDF](https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf?VersionId=n5TwbJFTGat3fYaRbwKE5GUZzg3raaDF), or upon request, at the offices of the Commission  
3 as set forth in Rule .0101 of this Subchapter. Commission, located in the Dobbs Building, 430 North Salisbury Street,  
4 Raleigh, North Carolina, 27603, between the hours of 8:00 a.m. and 5:00 p.m.  
5 ~~(h) Sign language interpreters shall interpret, as word for word as is practicable, without editing, commenting, or~~  
6 ~~summarizing, testimony or other communications. Sign language interpreters shall abide by the ethical standards~~  
7 ~~communicated in the training required by G.S. 90D-8.~~

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9 *History Note:* Authority G.S. ~~97-79(b)~~; 97-80(a);  
10 *Eff. November 1, 2014;*  
11 *Recodified from 04 NCAC 10A .0619 Eff. June 1, 2018;*  
12 *Amended Eff. April 1, 2020; January 1, 2019.*  
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1   **11 NCAC 23A .0621       SIGN LANGUAGE INTERPRETERS**

2   (a) When a person who is speech or hearing impaired is either called to testify in a hearing, other than an informal  
3   hearing conducted pursuant to G.S. 97-18.1, or appears before the Full Commission for an oral argument, the person,  
4   whether a party or a witness, shall be assisted by a qualified sign language interpreter.

5   (b) To qualify as a sign language interpreter, a person shall possess a license from the North Carolina Interpreter and  
6   Transliterator Licensing Board, under Chapter 90D of the North Carolina General Statutes.

7   (c) Any party who is speech or hearing impaired or who intends to call as a witness a person who is speech or hearing  
8   impaired, shall notify the Commission and the opposing party, in writing, not less than 21 days prior to the date of the  
9   hearing. Pursuant to G.S. 8B-8(e), the Commission shall pay the fees and expenses of the interpreter as set forth in  
10   G.S. 8B-8(a), except in cases where the Commission determines that the request for an interpreter was unfounded. If  
11   the Commission ultimately determines that the request for a sign language interpreter was unfounded, the attendant  
12   costs shall be assessed to the movant.

13   (d) Sign language interpreters shall interpret testimony or other communications as word for word as is practicable,  
14   without editing, commenting, or summarizing. Sign language interpreters shall abide by the ethical standards  
15   communicated in the training required by G.S. 90D-8.

16  
17   *History Note:*     *Authority G.S. 8B-8; 97-80(a);*

18                     *Eff.*