

# TERMS AND CONDITIONS FOR AGENCIES PROVIDING SERVICES TO THE JUDICIARY

## DEFINITION

An “agency” is a private, for-profit or not-for-profit company that delivers interpreting services. For purposes of this document, an “agency” consists of at least one principal who receives requests for interpreting services and assigns them to interpreters affiliated with the agency. Hence, an individual may not register as an agency when that individual is the only person in the company who provides interpreting services.

## WHEN AGENCIES MAY BE USED

The Judiciary gives preference for interpreting assignments to its staff interpreters and its cadre of registered independent interpreters. Agencies are called only if no staff or registered interpreter for the language needed is available.

## WHAT AGENCIES MAY BE USED

The Judiciary uses only those agencies included in the Administrative Office of the Courts (AOC) *Registry of Interpreters and Agencies (Registry)*. The only exception is if a need cannot be met by any of the resources in the *Registry*.

Agencies may be included in the *Registry* when the following conditions have been met:

1. The owner or chief executive officer of the agency successfully completes the Judiciary’s Orientation Seminar for Prospective Court Interpreters (this is a one-time requirement so if this individual has previously attended this seminar, he or she is not required to do so again, but may do so if he or she wishes)
2. The agency completely and accurately fills out the following forms provided by the Judiciary:
  - a. *Affidavit in Support of Registration*
  - b. *The Judiciary’s Registration Form*
  - c. *The W-9/Vendor Questionnaire*
3. The agency provides a list of the languages for which it has interpreters affiliated with it (do not include languages for which the agency might or would be able to find interpreters but for which it does not already have someone on its roster). The agency may either just check off the languages on the Judiciary’s List of Languages and Language Codes and submit that marked list and return that, or compile its own list so long as the list uses the nomenclature of the Judiciary’s list. (Note: Do not mark

any languages for which the “Special Information” column says to use some other name.)

4. The agency registers as a business with the Division of Revenue and the Judiciary has proof of the registration.

**NOTE:** The agency must register with the Division of Revenue under the same tax identification number used in the W-9/Vendor Questionnaire. In addition, if the agency is owned by a person who is a registered interpreter, the agency registration must be under an Employer Identification Number, not a Social Security Number, while the interpreter’s individual registration must be under a Social Security number.

#### **WHAT MAY BE PAID**

An agency must provide an initial written or verbal quote for all the services it will provide to the Vicinage Coordinator of Interpreting Services (VCIS) or designee. The VCIS may negotiate different terms with the agency, but once an agreement between the two parties has been reached, it must be reduced to writing.

The quotation must be a single, all-inclusive rate without specific elements being set forth (e.g., mileage, tolls, etc.). When the payment voucher is submitted, it must identify only the single, all-inclusive rate for the interpreting services that were delivered; the separate components that comprise that rate should not be itemized. Each agreement must include a description of how cancellations of services will be handled.

#### **INTERPRETERS WHOM AGENCIES MAY SEND**

The New Jersey Supreme Court has adopted standards that call for all interpreters used by the Judiciary, including those employed by agencies, to meet the qualifications for inclusion in the Judiciary’s registry of approved interpreters. Until such time as procedures are adopted for applying that requirement of the standards to agencies, agencies may send only those interpreters whom they have screened and who have demonstrated knowledge, skills, and abilities as those terms are defined in the AOC document “Requisite Knowledge, Skills, and Abilities of Court Interpreters.” If an interpreter is sent who is unable to perform the duties of a court interpreter as set forth in that document or in the Code of Professional Conduct for Interpreters, Transliterators, and Translators, the Judiciary is not liable to pay for those services and the written agreement is null and void.

Agencies may send any interpreter who has met the agency’s performance standards and whom the agency has determined can perform the required duties as identified above, ***except for the following classes of persons:***

1. Anyone who is younger than eighteen years of age.
2. Any non-citizen who has not shown documentation of having permission to work in the United States to an authorized representative of the agency.

3. Anyone who has taken a New Jersey Court Interpreter Screening Examination for the language but failed to reach at least the level of Conditionally Approved.
4. Anyone whom the Judiciary has identified as being incapable of performing the requisite duties.
5. Any interpreter who is also listed in the Judiciary's *Registry of Free-lance Interpreters* as an individual and who has already declined the assignment.
6. Any interpreter who is known not to be able to perform **all three** of the essential modes of interpretation (sight, consecutive and simultaneous) **and** do so at the appropriate times.
7. Any interpreter who has not been given a thorough orientation, whether in the form of training by the agency itself or by attending the Judiciary's Orientation Seminar for Prospective Court Interpreters, in the *Code of Professional Conduct for Interpreters, Transliterators, and Translators* approved by the New Jersey Supreme Court.
8. If the service involves any form of sign language interpreting, anyone who does not meet the qualifications mandated by law, *N.J.S.A. 34:1-69.8.d.*, namely
  - a. Certification by the Registry of Interpreters for the Deaf; and
  - b. Listing by the Division of the Deaf and Hard of Hearing in the Department of Human Services or the New Jersey Registry of Interpreters for the Deaf.

#### **SUBSTITUTIONS FOR OWNERS-INTERPRETERS**

Owners of an agency who are also registered court interpreters may accept interpreting assignments only as individuals. If such owners are in the represented group of free-lance interpreters and have personally accepted an assignment, they may not send a substitute. Such owners must notify the appropriate VCIS as soon as possible that they will not provide agreed-upon services.

Owners who are in the unrepresented group of free-lance interpreters and have accepted an assignment may arrange for a substitute to deliver agreed-upon services so long as (1) prior notice is given to the VCIS, (2) the proposed substitute interpreter is a registered interpreter at an equal or higher classification level, and (3) the VCIS agrees to the substitution.. The substitute interpreter will provide services and be compensated as a free-lance interpreter at the appropriate rate per the Professional Service Statement of Work signed by that interpreter, not as an interpreter sent by the agency.

In no case will either the owner or an interpreter be paid for a substitution not authorized by these terms and conditions as the failure to provide agree-upon services constitutes a breach of contract.

## NOMENCLATURE FOR LANGUAGE NAMES

Agencies must use the names of languages as provided in the Judiciary's *List of Languages and Language Codes*. (This list is posted on our website and is updated several times annually.) When interpreting services are needed for a language not included on that list, the agency will use the appropriate name as provided in *Ethnologue: Languages of the World* ([www.ethnologue.com](http://www.ethnologue.com)).

**NOTE:** These requirements are likely to change. In particular, recent changes to Judiciary policy require that interpreters provided by agencies must be approved interpreters pursuant to the same process currently required of all other individuals interpreting for the Judiciary, but this has not yet been implemented.