

RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF SHORTHAND REPORTING
ELIGIBILITY FOR CERTIFICATION;
TEMPORARY EMPLOYMENT OF NON-CERTIFIED SHORTHAND REPORTS

Adopted Amendments: N.J.A.C. 13:43-2.1 and 4.3

Adopted New Rule: N.J.A.C. 13:43-2.2

Proposed: November 19, 2001 at 33 N.J.R. 3876(a).

Adopted: February 19, 2002 by the New Jersey State Board of Shorthand Reporting, Charles Tramer, President.

Filed: June 21, 2002 as R.2002 d.238, without change.

Authority: N.J.S.A. 45:15B-1.

Effective Date: July 15, 2002.

Expiration Date: August 4, 2003.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are governed by N.J.S.A. 45:15B-1 and are not subject to any Federal requirements or standards.

Full text of the adoption follows:

<< NJ ADC 13:43-2.1 >>

13:43-2.1 Eligibility for certification as a certified shorthand reporter

(a) (No change.)

(b) An applicant who possesses a Registered Professional Reporter (RPR) Certification issued by the National Court Reporters Association shall not be required to take the qualifying examination as stated in (a)4 above and shall only be required to successfully complete the four-voice section of the certification examination as required by (a)7 above to become certified. In order to qualify for exemption from the qualifying examination and be solely required to successfully complete the four-voice section of the certification examination, an applicant with RPR Certification shall:

1. Submit written verification to the Board of current RPR status with each certification examination application;
2. Be required to apply and sit for the next available examination upon applying for exemption from the qualifying examination; and
3. Maintain current RPR Certification in good standing to maintain conditional credit status.

<< NJ ADC 13:43-2.2 >>

13:43-2.2 Temporary employment of non-certified shorthand reporters

(a) Non-certified shorthand reporters who possess an RPR Certification and who comply with the requirements of N.J.A.C. 13:43-2.1(a), with the exception of paragraphs (a)4 and (a)7, or applicants who have successfully completed two parts of the examination and have obtained conditional credit status attained in N.J.A.C. 13:43-4.3, may be utilized for temporary employment as referenced in N.J.S.A. 45:15B-9.

(b) An employer of a certified shorthand reporter, or owner of a shorthand reporting agency, or certified shorthand reporter may utilize non-certified shorthand reporters referred to in (a) above in circumstances where a certified shorthand reporter is unavailable. In such circumstances where a certified shorthand reporter is unavailable, the employer, owner of a shorthand reporting agency, or certified shorthand reporter shall contact five shorthand reporting agencies to seek an available certified shorthand reporter. The employer, owner of a shorthand reporting agency, or certified shorthand reporter shall record the five contacts in an affidavit supplied by the Board which shall include the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified shorthand reporter is sought, including the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified shorthand reporter is sought, including the date, time, and location of the job as well as the name(s) of the party (parties) soliciting the certified shorthand reporter, and the name of the case for which the certified shorthand reporter is sought.

1. The employer, owner of a shorthand reporting agency, or certified shorthand reporter shall retain the affidavits referred to in (b) above for a period of three calendar years. The records shall be made available to the Board within two business days of the Board's written notice of request, and shall be subject to the Board's random audit. For purposes of this paragraph, a business day is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays.

(c) All transcripts completed by a non-certified shorthand reporter shall be signed by a New Jersey certified shorthand reporter in responsible charge of the work product of the non-certified shorthand reporter and shall attest to the accuracy of the transcription of the original shorthand notes. An employer or owner of a shorthand reporting agency who is not a certified shorthand reporter shall secure a New Jersey certified shorthand reporter to be in responsible charge of the work product of the non-certified shorthand reporter and attest to the accuracy of the transcription of the original shorthand notes. A certified shorthand reporter may secure another certified shorthand reporter to be in responsible charge of the non-certified shorthand reporter to attest to the accuracy of the transcription of the original shorthand notes. For purposes of this subsection, a New Jersey certified shorthand reporter in responsible charge shall mean the regular and effective supervision by a competent certified shorthand reporter of individuals performing services which directly and materially affect the quality and competence of shorthand reporting services rendered by the non-certified shorthand reporter.

(d) A certified shorthand reporter shall render regular and effective supervision of a non-certified shorthand reporter as follows. The certified shorthand reporter shall:

1. Personally inspect or review the work of a non-certified shorthand reporter;
2. Provide an appropriate review of the transcript prepared by the non-certified shorthand reporter; and
3. Be personally available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

(e) An employer, owner of a shorthand reporting agency, or certified shorthand reporter shall verbally inform all the parties or their legal representative who utilize the shorthand reporting services of any shorthand reporter who will report the proceedings and is not certified of the reporter's non-certified status, and shall provide to the parties or their legal representative a consent form which sets forth that the parties or their legal representative were informed of and consented to the use of the non-certified shorthand reporter. The parties or their legal representative who utilize the shorthand reporting services shall evidence their consent to the use of the non-certified shorthand reporter by signing and dating the consent form.

(f) An employer, owner of a shorthand reporting agency, or certified shorthand reporter shall retain the consent forms referred to in (e) above for a period of three calendar years to be available to the Board within two business days of the Board's written notice of request and shall be subject to the Board's random audit. For purposes of this subsection, a business day is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays.

<< NJ ADC 13:43-4.3 >>

13:43-4.3 Conditional credit rule

(a)-(b) (No change.)

(c) An RPR applicant who does not successfully complete the four-voice section of the next available certification examination shall be considered a conditional credit applicant for the purposes of N.J.A.C. 13:43-2.2 and shall be required to obtain a minimum score of 95 percent on the four-voice section within six consecutive examination periods subsequent to the initial examination referenced in N.J.A.C. 13:43-2.1(a)4. In the event that the RPR applicant fails to receive a passing grade on the four-voice section within six consecutive examination periods subsequent to the initial examination referenced in N.J.A.C. 13:43-2.1(b)2, the applicant shall forfeit the conditional credit and revert to the status of new applicant and shall be required to successfully complete all sections of the certification examination.