

Official Court Reporter Transcript Production

Directive #4-99
Issued by:

April 19, 1999
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Acting Administrative Director

As you know, Official Court Reporters (AOCRs®) are both employees and independent contractors under current federal labor law. When they produce transcripts, they are considered independent contractors rather than employees of the State. Yet, it has come to my attention that some OCRs are utilizing the courthouse as their business address and producing transcripts in the courthouse outside regular business hours. Clearly, their dual status does not allow for this.

OCRs may not work on transcripts in the courthouse before or after regular business hours, and, by copy of this memorandum, I am so informing them. However, OCRs may work on transcripts during the standard work day when they are not needed in court or the judge they are assigned to is handling a settlement conference or some other case-related activity. It is to the benefit of litigants and the court system to have transcripts produced as soon as possible after a transcript order is received. Consequently, I think it best to continue to allow the OCRs to produce transcripts during such times provided they are not using state equipment. Allowing the OCRs to keep the fees generated from those transcripts is reasonable given their dual status of employee and independent contractor.

To keep the employee and independent contractor status separate, I am also notifying the OCRs by copy of this memorandum that they are not to utilize the courthouse address as their business address. While they may receive mail at the courthouse for transcript orders, they are not to use the courthouse address on their invoices. In addition, OCRs are not to use supplies or equipment, including photocopying equipment owned by the State, in the production of their transcripts. Further, any postage and delivery charges related to transcripts cannot be paid out of the vicinage budget.