

State of South Carolina

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Workers' Compensation Commission

S.C. Workers' Compensation Commission

Administrative Policies and Procedures

Use of Court Reporter Services

Adopted: October 27, 2014

Amended: August 1, 2017

Use of Court Reporters. The Commission may contract for court reporting services for the purposes of stenographically report Commission hearings at any facility located within the Hearing Districts that is used by the Commission to conduct Workers' Compensation proceedings. (S.C. Code Ann. Section 42-3-170).

Reporters as Independent Contractors. It shall be the policy of the Commission to utilize court reporter services from private independent contractors for court reporters ("Reporter"). The Reporter shall not be an employee of the Commission.

Equipment. Each Reporter shall use and furnish at Reporter's expense Reporter's own recording equipment, computers, tools, tapes, supplies, and materials. The Reporter shall maintain equipment to provide services. The Reporter shall have the ability to troubleshoot and repair equipment with no assistance if equipment malfunctions. As necessary, the Reporter shall have the ability to provide replacement equipment in a timely manner that does not materially disrupt the proceedings.

Designation. The Commission shall establish and maintain a list of designated court reporters that are qualified pursuant to the Minimum Qualifications and Experience set forth in this policy

to perform services for Commission. The Commission shall only contract for services with designated court reporters. A court reporter may apply for qualification with the Commission in writing to the Executive Director, certifying the qualifications they meet pursuant to paragraph 2.4.

List of Court Reporters. The Commission will establish a list of eligible court reporters for use by the Commissioners. The Commission will establish minimum qualifications and experience for a Reporter to be eligible for inclusion on the list of eligible court reporters. The Commissioner will select a Court Reporter for use at a single Commissioner hearing from the list of eligible reporters. The Judicial Department shall be responsible for selecting a Court Reporter for the Appellate Panel Hearings from the list of eligible reporters.

Minimum Qualifications and Experience. To be eligible to provide court reporting services to the Commission the Reporter must meet the following minimum qualifications and experience. High school diploma or G.E.D. and a degree in court reporting OR certification as a proficient stenotype writer from an accredited school OR Court reporting institution qualifications such as a Registered Professional Reporter (RPR) or a Certified Verbatim Reporter (CVR); or four (4) years prime court reporting experience; a thorough knowledge of legal terminology and considerable knowledge of hearing procedures and preparation of complex legal records or any combination of the minimum qualifications and experience.

Fee for Services. The Commission shall pay an hourly rate to the court reporter for attending the scheduled hearing(s). The first hour shall be paid at a flat rate of \$85.00, no partial hour payment. The Commission will pay \$35 for each hour thereafter the Reporter is present at the hearing. After the first hour, hours shall be paid by quarter hour increments. Payment for the hour begins with the first hour of the scheduled hearing on the docket or when the Commissioner opens the proceedings and goes on the record, whichever occurs first.

Fee for Services for Travel More than 200 Miles Round Trip. Should a court reporter travel more than 200 miles round trip to and from a hearing site in the same day, the Commission shall pay a minimum of \$155. This amount represents an appearance fee of \$85 and an additional two hours at \$35 each. This provision shall only be in effect for appearances lasting less than three hours.

Cancellation Fee. The Commission shall pay a cancellation fee of \$50.00 for notice of cancellation of scheduled Workers' Compensation proceedings when notice is given less than 24 hours in advance.

Short Notice Fee. The Commission will pay a short notice fee of \$50.00 in addition to the regular rate of pay if Commission utilizes a Reporter's Services on short notice, required to fill a cancellation, or as otherwise needed. Short notice is any notice given in less than 24 hours.

Scheduling. Each Commissioner or Commissioner's Assistant shall be responsible for obtaining the services of a Reporter on the list of eligible reporters for the Commissioner's hearings. The Judicial Department shall be responsible for obtaining the services of a Reporter for Appellate Hearings. The billing rate for Appellate Hearings shall be the same as the billing rate for an individual Commissioner hearing.

Preparation of Transcript. The written transcript shall be prepared in the manner prescribed by the Court Reporters Manual published by the Office of Court Administration as required by Rule 607(c), SCACR.

Per Page Charge (ordinary charge). The Commission shall not pay more than \$2.50 per page for written transcripts requested by the Commission except for expedited processing. The party requesting the transcript pays for the cost of the original transcript and one copy at the prevailing rate per page, but not more than \$2.50 per page. The original transcript will be provided to Commission at no cost to the Commission.

Recordings. Recordings of the proceedings of hearings are the property of the Reporter. The Reporter shall retain a primary and back-up copy of proceedings for a period of at least 3 years after the date of the proceeding if no transcript was requested. If a transcript was requested the Reporter shall retain a copy for a period of at least 30 days after original transcript is sent to requesting party.

Expedited Processing Fee. The Commission will pay increased rates per page based on the schedule of delivery options as follows: (1) Ordinary rate – 30 calendar days after receipt of order; (2) 14-Day Rate – a maximum of \$3.50 per page for transcripts scheduled to be delivered on or before 14 calendar days after receipt of order; (3) Expedited Rate a maximum of \$4.50 per

page for transcripts scheduled to be delivered on or before 7 calendar days after receipt of order; (4) Daily Rate – a maximum of \$5.50 per page for transcripts scheduled to be delivered on or before the morning following adjournment; (5) Hourly Rate (ordered unusual circumstances) – a maximum of \$6.50 per page for transcripts scheduled to be delivered within 2 hours. The maximum per page is \$6.50.

When a party to a proceeding requests an expedited processing of a transcript, the remaining parties shall have the option of receiving expedited delivery of a copy for the same expedited processing fee. Otherwise, the ordinary charge and delivery schedule shall apply.

Maximum Allowable Charge. The Commission will pay increased rates per page based on a schedule of delivery options. The maximum amount the Commission will pay is \$6.50 per page.

Other Fees. The Reporter may designate fees other than those listed herein and such fees to be charged shall be agreed upon by Reporter and the requesting party.

Invoices. The Reporter will remit the invoice for services to the Commissioner's office that was responsible for ordering the services and for whom the services were performed. The Commissioner will be responsible for reviewing the invoice, verifying the amount, approving for payment and forwarding to the Director of Administration for payment. Invoices will not be paid unless authorized by a Commissioner.