

PROPOSAL

ADMINISTRATIVE LAW

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules

Interpreters; Payment

Proposed Amendment: N.J.A.C. 1:1-14.3

Authorized By: Barry E. Moscovitz, Acting Director, Office of Administrative Law.

Authority: N.J.S.A. 52:14B-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-076.

Submit written comments by September 5, 2025, to:

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Administrative Practice Officer

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The agency proposal follows:

Summary

Effective August 5, 2024, the Office of Administrative Law (OAL) changed its internal process for providing interpreters in administrative hearings to no longer enforce N.J.A.C. 1:1-

14.3(a) through (c) as currently promulgated (see 56 N.J.R. 1555(a)). Pursuant to existing N.J.A.C. 1:1-14.3, parties to an administrative hearing are permitted to obtain an interpreter at their own cost if the administrative law judge determines that interpretation is necessary. The rule also sets forth the procedure for the selection of the interpreter and for the exception to the requirement that the requesting party pay for the interpreter when the interpreter is for the hearing impaired.

The change implemented effective August 5, 2024 means that the OAL no longer requires parties requesting an interpreter pursuant to N.J.A.C. 1:1-14.3(a) through (c) to pay for their own interpreter; instead, parties must notify the OAL if they have a limited ability to speak or understand English so the OAL can provide interpreters at the hearings and the cost of the interpreters is charged back to the transmitting agency.

The OAL indicated, in that public notice, that it would prepare a rulemaking to repeal or amend N.J.A.C. 1:1-14.3 in due course, but because the rulemaking process takes time, the OAL was notifying the public of its current policy not to enforce N.J.A.C. 1:1-14.3(a) through (c). Through this rulemaking, the OAL proposes to delete N.J.A.C. 1:1-14.3(a), (b), and (c). In the public notice indicating that the OAL will not enforce N.J.A.C. 1:1-14.3(a), (b), and (c), the OAL directed the public to its website for instructions if an interpreter is needed. Proposed new subsection (a) codifies the new process and states that a party that needs an interpreter because he or she has a limited ability to speak or understand English should contact OAL as far in advance of the hearing as possible. The new subsection also adds a cross-reference to the OAL website page referred to in the public notice regarding interpreters, www.nj.gov/oal/hearings/interpret/ and states the policy of OAL to charge the transmitting agency for the interpreter's services.

As the OAL is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The OAL anticipates a positive social impact as the proposed amendment will make the process for getting an interpreter easier for the public.

Economic Impact

The OAL anticipates a positive economic impact as the proposed amendment will remove any costs to the public related to the requirement for getting an interpreter for a hearing at OAL.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is not subject to any Federal standards.

Jobs Impact

The proposed amendment will have no impact on the number of jobs generated or lost in New Jersey.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment pertains to the process for requesting an interpreter at OAL hearings.

Housing Affordability Impact Analysis

The proposed amendment will have no impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing, because the proposed amendment concerns the process for requesting an interpreter at OAL hearings.

Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the proposed amendment concerns the process for requesting an interpreter at OAL hearings.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendment will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 14. CONDUCT OF CASES

1:1-14.3 Interpreters; payment

[(a) Except as provided in (d) below, any party at his or her own cost may obtain an interpreter if the judge determines that interpretation is necessary.

(b) Taking into consideration the complexity of the issues and communications involved, the judge may require that an interpreter be taken from an official registry of interpreters or

otherwise be assured that the proposed interpreter can adequately aid and enable the witness in conveying information to the judge.

(c) The judge may accept as an interpreter a friend or relative of a party or witness, any employee of a State or local agency, or other person who can provide acceptable interpreter assistance.]

(a) If an interpreter is required for a matter at the OAL because of a limited ability to speak or understand English, the party making the request should contact the OAL as far in advance of the hearing as possible. Parties are directed to

www.nj.gov/oal/hearings/interpret/. The transmitting agency of the underlying matter shall be required to reimburse the OAL for the cost of an interpreter pursuant to this section.

[(d)] **(b)** (No change in text.)