

Ratified VRI Agreement between Region 3 and CFI
August 5, 2014

1. Section 13 - Labor Management Committee

The Parties agree to establish a VRI Labor Management Committee that shall meet three times per year (or more often by mutual agreement) to review and attempt to resolve operational issues, including but not limited to technology issues that may arise as the result of the implementation of spoken language Video Remote Interpreting. The Committee may recommend an evaluation process for evaluating the VRI events.

The Committee shall be composed of three management and three union representatives. The Committee shall sunset thirty months after implementation. Each side shall submit a written agenda to the other not less than five days before meeting.

2. Section 14 - Compensation

Interpreters who are assigned to perform spoken language Video Remote Interpreting shall receive a 15% stipend for any day in which they perform spoken language Video Remote Interpreting. The stipend for part time interpreters shall be based upon the number of hours that they were assigned to work on that day.

A court may at its discretion hire new employees at a higher wage step in order to recruit qualified interpreters for positions or language needs that are difficult to fill.

3. New Section Evaluation and Reporting of VRI Events (no change)

Each court will maintain a record of VRI events including the date, case name and number, language, case type and interpreter assigned. The Region Co Chairs will provide a report to the union of VRI events upon request at reasonable intervals, not to exceed quarterly reports.

4. Guidelines Proposal as Revised dated August 5, 2014 (attached as A)

5. Minimum Technology Guidelines

CFI recognizes that Region 3 will, at its discretion, adopt minimum technology guidelines and the Courts will, at a minimum, provide equipment that meets those guidelines.

6. Side Letter to Existing Agreement

If and only if there is an agreement on the VRI guidelines, and all other outstanding issues, the Region Team will recommend the below economics to the Region CEO's:

- a) Effective the first pay period after October 1, 2014, the base pay shall be adjusted by 2%.
- b) Effective October 1, 2015, the base pay shall be adjusted by 2%.
- c) The expiration date of the MOU shall be extended to September 30, 2016.

VRI GUIDELINES

Section 1 - Initial Analysis and Guidelines: An individual analysis should be made of the linguistic and legal demands of the case before recommending VRI. The interpreter coordinator/manager should perform this analysis. This analysis should consider whether or not VRI is appropriate based on the following guidelines:

- Generally, events that are expected to last less than 30 minutes in duration.
- Events that are not complex, and are generally non-evidentiary.
- Events involving uncontested infractions that require no testimony, like traffic cases.
- Events of a nature that cannot be delayed, such as arraignments for in-custody defendants, bond review hearings, bail reductions, and temporary restraining orders.
- Out-of-court communications involving interviews such as attorney-client conferences, self-help centers, post-court services, review of probation conditions, pre-trial services and inquiries from the public.

Section 2 - Training: Prior to implementing VRI, training will be provided to Judicial Officers, interpreters and court staff on the use of these guidelines checklists, as well as the use of the court's VRI equipment, including but not limited to an explanation and demonstration as to how the equipment works.

Section 3 - Modes of Interpretation: Generally, remote interpreting shall be performed in the consecutive mode. Initial instructions will be reviewed with participants prior to each VRI event and should include a brief instruction on how to use the consecutive mode in the proceeding.

Section 4 - Sight Translation: Sight translation may be performed over VRI for appropriate events provided the interpreter has a clear and readable copy of the document(s). The document may be provided by WebEx document share; email or other digital scanning device.

Section 5 - Confidential Communications: The court will ensure a reliable method is in place for Attorney-Client privileged communications and instruct all parties, including the interpreter on a method for confidential communications.

Section 6 - Ethics: Interpreters using VRI are bound by the same professional standards as on site court interpreters (CRC Rule 2.890). When necessary, the Interpreter shall inform the Judicial Officer of any impediments to performance.

Section 7 - Assignments: To the extent feasible, VRI interpretations will be prescheduled. All interpreters shall be trained on the use and protocol of Video Remote Interpreting, prior to the assignment.

Interpreters shall be assigned to VRI based upon the needs of the Court. The Court will solicit volunteers to participate in the VRI rotation in each language pair. In making assignments to VRI, the Courts will use reasonable efforts to rotate assignments among employee interpreters who volunteer for the rotation. However, if there are no volunteers, interpreters will be assigned on a rotation based upon need.

Whether the VRI interpretation is in a single event or multiple events, interpreters will have a minimum of a five-minute break between VRI events. In the event that an interpreter becomes fatigued during a VRI event, the interpreter shall notify the Judge and request a break. To the extent reasonably feasible the Judge will grant the request.

Section 8 - End Point Conditions: The Court will provide a separate room where the interpreter performing VRI will not be interrupted or overheard.

Section 9 - Unit Work and Contracting Out: Use of VRI in spoken language shall not modify the contractual or statutory requirements related to bargaining unit work or contracting out unit work. Specifically, prior to utilizing an independent contractor, to perform spoken language VRI, the Court will ensure that there are no employee interpreters available to perform the spoken language VRI. See Government Code Section 71802.

Section 10 - Notice of Implementation: The Region will provide notice to the union upon implementation of VRI in a specific trial court, either as a receiver or a provider court. The notice will include the anticipated date of implementation, a brief description of the technology set up, and anticipated dates of trainings. The union will have the option of sending a representative to observe interpreter training.

Section 11 - Preparation and Protocols: Prior to beginning the interpretation in a VRI event, the remote interpreter will have an opportunity to confirm a clear view of speakers and to confirm a good audio and video connection has been established; prior to or at the start of the proceeding, the interpreter will be notified of the nature of the proceeding, and the names of the participants, and will be provided any applicable documents that may be reasonably available.

Prior to beginning the interpretation in a VRI event, the judicial officer will confirm that all participants can hear the interpreter: the Judicial Officer, the parties, counsel and court reporter.

The court should make clear that if for any reason VRI is not facilitating effective communication, any participant can request that the matter be suspended or rescheduled with an onsite interpreter. The decision to continue and/or reschedule the matter shall rest with the Judicial Officer.

The following individuals must hear the remote interpreter's voice clearly and have clear access to one or more microphones to ensure that the interpreter can hear all of their voices clearly:

- Judicial Officer
 - Defendant (or Respondent)
 - Plaintiff (or Petitioner)
 - Counsel for all parties
 - Prosecutor
 - Any other LEP participant
- All parties and the interpreter need to check microphone and camera clarity before beginning interpretation.
 - Courts and interpreters should have technical support easily available.
 - Clear, concise operating instructions should be posted with the VRI equipment.

NOTE: It is critical that prior to the start of a VRI event-all parties, Judicial Officers, court staff, and officers of the court know how to allow for confidential conferencing when needed.

Section 12 - Checklist

The interpreter coordinator, Judicial Officer, and interpreter should go through a checklist to ensure everything is in place prior to starting the hearing – example as follows:

Host/Operator Event Checklist - Before the hearing

- Set meeting, for example using Outlook or other similar software that will provide all participants with logon details for WebEx hearing.
- Position and adjust webcams, phones, and headsets to ensure clear picture and sound for all courtroom participants.
- Make sure equipment (computers/phones) are operational.
- Initiate a test with the assigned remote interpreter.
- Have an action plan to assist if a confidential attorney-client communication is requested.
- Share the confidential communication action plan with the interpreter.

After the test

- Standby for the Judicial Officer to request interpretation or for the hearing to begin.
- Confirm visibility and audibility for the Judicial Officer of both the court user and the interpreter.
- Inform Judicial Officer immediately if any technical difficulties arise.
- Remain present throughout the hearing until the Judicial Officer releases the interpreter.
- Assist as needed with requests for confidential communication.

After the hearing

- End the WebEx meeting, which will drop all participants automatically.

Interpreter

- Make sure your equipment is turned on and operational before the scheduled test.
- Be ready to answer when the Court representative initiates the equipment test.
- Check that your location is suitable for Video Remote Interpreting - such as adequate lighting, no distracting background noises or objects, etc.
- Adjust your equipment for clear picture and sound on all incoming and outgoing signals and devices.
- Stand by for the Judicial Officer to request interpretation or call the hearing to order.
- Assist as needed to affirm visibility and audibility of the court user(s) and interpreter.
- Inform Judicial Officer immediately if there are any technical difficulties.
- Remain in place until the Judicial Officer releases you from service.