

Dear POPA Bargaining Unit Member:

Unfortunately, the agency notified us of their intent to terminate our existing collective bargaining agreement, and as we suspected, the proposals reduce or eliminate many of our benefits and protections.

When the USPTO so desperately needs to hire and retain a highly skilled workforce, it is incomprehensible why it would want to make our agency a less attractive place to work.

The Agency has shown its true colors with its proposals, which are available on POPA's web site at [www.popa.org](http://www.popa.org).

Be wary of Agency promises. Remember that over the last four years, the Agency has taken money out of your wallets by renegeing on the Millennium Agreement. Currently, that is about 7% of your salary.

What will POPA do? We will do everything in our power to retain the benefits you enjoy. We want your feedback. Keep an eye on our website for further developments.

Below is a preliminary review of the Agency's proposals, listing what we believe will most change your worklife. Note:

- Management's proposals are intended to replace existing agreements and past practices. *So, if you don't see it, you don't have it.*
- Littered throughout the document are phrases like: "at management's discretion," "subject to supervisory approval," and "as determined by management." This means that if your supervisor says "no," you can't challenge the decision.

### WORK SCHEDULES

- No flexitime for 5/4/9 and 4/10 compressed work schedules (i.e. arrival and departure times must be fixed).
- "Management, at its discretion" can require you to work Monday through Friday, 8:30 a.m. to 5:00 p.m.
- Increased Flex Program (IFP) limited to require between 4 and 10 hour days
- IFP participation may be restricted "to ensure office coverage," e.g. to cover for hoteling participants.
- If automated systems fail to function properly, IFP participants are required to leave work without administrative leave at the later of: after systems are down for an hour, or participants run out of work that does not require automation.
- IFP schedule must be submitted prior to the beginning of each bi-week. Any changes to the schedule permitted only with supervisory approval.
- Increased core hours (Tues. and Thurs. noon-2PM).
- Midday flex permitted only with a detailed written request (time and hours) and approval of your supervisor.
- "Trial" and probationary employees can only work 8-hour days, 8:30 a.m. to 5:00 p.m. for the first eight months.
- If you do not "maintain at least a fully successful level of performance," you may be required to work a regular tour of duty (8-hour days, 8:30 a.m. to 5:00 p.m.).
- If you receive a disciplinary or adverse action, you may be required to work 8-hour days, M-F, 8:30 a.m. to 5:00 p.m.).
- For up to three years following a disciplinary or adverse action, you may be required to work 8-hour days, M-F, 8:30 a.m. to 5:00 p.m.

### OVERTIME

- Management may require employees to work mandatory overtime.

### ANNUAL LEAVE

- Leave requests must be made at least 3 days in advance
- Annual leave may be denied if there are "conflicts" with other employees, such as hoteling participants
- Annual leave approvals may be cancelled.

### SICK LEAVE

- Medical certification required after three day absence

### COMPENSATORY TIME

- 400 hour yearly limit (currently 480 hours)
- Full-time employees only
- Employee ineligible to work comp time if employee has received proposed disciplinary or adverse action in last three years.

### SIGNIFICANT PROPOSED CHANGES

#### EQUITABLE TREATMENT

- Eliminates current contractual obligation to treat employees fairly and equitably across art unit lines.

#### NEW EMPLOYEES

- Examiners to be hired as interns outside of regular Civil Service system.
- Interns have no guarantees to be hired as Civil Service patent examiners.
- Interns treated as probationary employees for 2-3 years compared to 1 year for Civil Service employees.

#### PHYSICAL FACILITIES

- No guaranteed private office for anyone. Any employee can be required to work in shared office space or cubicles.

- Maternity/paternity compensatory time limited to 80 hours per year (currently unlimited)
- Religious compensatory time requires written explanation of religious belief that necessitates absence from work

#### **MATERNITY/PATERNITY LEAVE**

- Only for non-probationary employees
- Length of time off will be considered in terms of the operational needs of the agency
- Mat/Pat comp time cannot be earned if the employee has received a disciplinary or adverse action in the last 3 years.

#### **PART TIME**

- Fully successful rating requirements for employees who participate in childcare/eldercare component

#### **CREDIT HOURS**

- Only available to employees who cannot work overtime or comp time due to restrictions on pay.
- Eliminates credit hours for employees on IFP.
- Limit of 400 hours yearly.

#### **PERFORMANCE**

- Oral Warnings abolished: performance-based actions begin at written warning stage. Employees only one step away from removal instead of two
- Almost no way to defend yourself against allegations of error

#### **PERFORMANCE AWARDS**

- Management can change/abolish all awards virtually at will at the end of each fiscal quarter.
- Abolishes existing Gainsharing and Special Achievement Awards (SAAs) for examiners.
- Annual production award for examiners range from 2% for 105% production to 11% for 140% production.
- Single award payout for production limited to \$10,000.
- Quality Award only available to examiners GS-12 or above for the full FY.
- Production awards given on 2-quarter basis

#### **TRAINING**

- Non-duty technical and legal training funded at Agency's complete discretion.
- Non-production time for reading technical and legal literature at the complete discretion of the supervisor.
- OCIO employees specifically are required to justify their requests for training at least four weeks prior to the training.

#### **PROMOTIONS AND DETAILS**

- Unspecified prerequisite training and testing may be required for promotion.
- Examiners no longer entitled to move up through the GS scale even though they meet all of the objective requirements for promotions.
- Promotion requires recommendation of immediate supervisor.

- No guarantee of openness in the selection process for details or promotions.
- Employees selected for promotion may not necessarily be released by current supervisor to start new job.

#### **GRIEVANCES**

No longer grievable:

- EEO matters
- Within grade increases
- Removals
- Demotions
- Suspensions greater than 14 days
- Whistleblowing
- Reduction in force
- Written warnings for performance
- Denials of signatory authority

#### **Grievance Procedure**

- Severely cuts other time for grievant's preparation
- Time for filing grievance reduced from 20 to 14 days
- Agency has no obligation to respond to points raised by grievant or provide any pertinent information
- No right to interview adverse witnesses before responding to a proposed action
- Agency not required to have "just and sufficient cause" for taking a disciplinary or adverse action

#### **UNION ACTIVITIES**

- Dramatically limits POPA's ability to represent employees
- Cuts union time by about a third while workforce has tripled.
- Employee anonymity not guaranteed when seeking POPA representation
- Supervisory approval required before POPA representatives conduct union activities, e.g. talk with you.
- POPA representatives who enter a work area (other than their own) to conduct union activity must obtain permission of the supervisor in that work area.
- Prohibits POPA's use of email to send general announcements to the bargaining unit.
- Reduces number of officers, and eliminates full-time representatives.

#### **SIGNATORY AUTHORITY**

- Shortens eligibility period and the trial period for partial signatory authority.
- Examiners can be kicked off at midpoint of the program if production and/or workflow is not at the fully successful level.
- Management can extend the period for final decision if examiner submits more than 30% of their work in the last 2 bi-weeks for partial sig or more than 40% in the last three bi-weeks for full sig.

***If you don't speak up for your rights, you won't have any.***

**Feedback to [www.popa.org](http://www.popa.org)  
"contact us"**