POPA NEWS
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Raw Goal Plan is a Raw Deal

A solid majority of patent examiners work voluntary overtime to meet production goals, indicating that raising those goals under the USPTO's proposed "flat-goal" (or raw goal) performance appraisal plan (PAP) would force many examiners to work more unpaid overtime, quit or be fired, according to the results of a May 2006 POPA survey of examiners.

POPA queried examiners on aspects of their work lives and their opinions regarding the USPTO's flat-goal pilot program, which will raise the production level required for a fully-successful job rating from 95 percent to 100 percent and reduce the overall availability of "other" time, which compensates examiners for additional, examining-related and non-examining job duties.

The survey's question 3 shows that nearly two-thirds of examiners work unpaid overtime to make production. [See survey results on page 3.] Question 4 indicates that two-thirds do not work voluntary overtime to get awards. When you look at how many people answered yes to Question 3 and no to Question 4, it becomes clear that almost a third of examiners are working unpaid overtime just to make their minimum production goals. These examiners currently work long hours just to get the required job done, not for any bonuses.

The terms of the flat-goal pilot program account for examiners' use of the annual leave they earn in a year, but not any annual leave carried from previous years. The program doesn't disallow use of these hours, but it assumes a uniform usage of annual leave during two six-month rating periods in the year. Therefore, an examiner's production goal will not be adjusted if the examiner needs to use additional time off in either six-month period. Added vacation time means added work to maintain fully-successful production. The survey's question 14 shows that examiners are well aware of that dilemma, with 72 percent foreseeing an inability to use all annual leave earned under the flat-goal plan.

Bearing USPTO's Burden

The flat-goal program shifts many of the USPTO's costs of doing patent business onto its examiners. A patent examiner's job demands more than the hours that are ascribed to "examining time." The required duties and USPTO-recommended activities will use more hours than the flat-goal PAP allows. These include, but aren't limited to: training new or junior examiners; examiners' own job training; classifying or assigning cases; working on restrictions and Patent Cooperation Treaty cases; picking up the work of other examiners who have left the agency; staff meetings, including meetings of technology center or art unit staff and USPTO Town Halls; Quality Review cases; computer down time; EEO activities; blood drives; Combined Federal Campaign events or fire drills.

The survey's questions 6, 7, and 8 show that a large number of senior examiners devote a fair number of hours per biweek to training junior examiners. Question 17 indicates that examiners' understand the impact that a flat-goal PAP will have on their work hours, with 98 percent indicating that they will quit training, assigning or classifying under a flat-goal program.

Being assigned the work of fellow employees who leave the USPTO is a common occurrence among patent examiners due to the agency's high attrition rate. Those who elect the flat-goal PAP may agree to work a certain number of cases, but they will not be exempt from having to do

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POPA and USPTO Agree on Laptop Pilot Program without Overtime Requirement

POPA and the USPTO agreed in October to institute a pilot program allowing GS 9-15 examiners with agency-provided laptop computers to work overtime from any approved location. The key word here is "allowing" overtime versus "requiring" it, which had been the USPTO's previous position.

POPA had voiced its concerns about insisting that employees work voluntary overtime to receive a tool that helps them do their jobs. The agency paid attention and withdrew the requirement for more overtime.

The USPTO kicked off the pilot program "to determine if providing examiners with laptops and routers would improve morale, job satisfaction and productivity by creating additional flexibility for examiners," according to a memo from Labor Relations Branch Chief Dave Dalke. "After three months, the agency will determine if the benefits justify the cost of the laptops and routers."

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Laptop Pilot Program

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For the pilot, the agency randomly chose 300 GS 9-15 examiners with varying levels of overtime use. Participants had to have fiber optic or cable Internet service and meet all overtime eligibility requirements. The laptops will connect with examiners' desktop workstations giving them access to all the USPTO automation tools. The USPTO plans to distribute the laptops and routers around Nov. 1.

The equipment cannot be used to work comp time or credit hours, only paid or unpaid overtime. Examiners on the one-day-per-week Patents Telework program, however, can use the laptops on their work@home day. (Hoteling employees already have USPTO-issued equipment.)

Like the dual-screen monitor pilot, POPA believes this program will be a great benefit to both employees and the agency and that laptops will be made available to all examiners following the evaluation of the pilot.

CFC: Your Opportunity to Give

When a close friend or family member suffers a calamity, you extend to them your support and caring. When you read or hear in the news of a disaster harming many, often your first impulse is to help, to do something.

The Combined Federal Campaign offers you an easy way to support the people and causes you care about.

Contributing to the charities of your choice through the CFC is simple and cost effective. You choose who gets your donation; only the charities you designate will receive your money. You may spread the tax-deductible payments over the year through payroll deduction or contribute a one-time check. And workplace giving through the CFC cuts fundraising costs for participating charities, enabling more of your donation to go to those you wish to help instead of to direct mail and advertising.

Giving through the CFC is your personal choice. POPA and the USPTO have negotiated safeguards to your confidentiality. In the collective bargaining agreement, Article 4, Section 14 (F) states:

"…Solicitors shall not divulge information regarding an individual's contribution or allotment to anyone other than a person designated by, and acting on behalf of, the Personnel Processing Division, other charitable campaigns or the U.S. Bond Drive."

Please review this year's Catalog of Caring to learn about charities that touch your life, and take advantage of the CFC's opportunity to help.

Joint Labor Management Committee Back in Action

Since its reinstatement at the beginning of 2006, the USPTO-POPA Joint Labor Management Committee has made solid improvements in employees' worklives.

The 24-person committee—three appointees from each of the four Patents disciplines from both the agency and POPA—meets to discuss worklife problems and possible solutions. Some of its achievements this year so far:

- Convex lenses in parking lots to improve safety.
- More office supplies.
- Software changes, specifically on eDan and IDS.
- A production tracker in Web Time and Attendance.
- U.S. Postal Service mail drops at Carlyle.
- Regular office vacuum cleaning.
- Improved classification and routing of new cases.
- Healthier, more varied vending machine foods.

Thanks to the following bargaining unit employees who give of their time to represent POPA and employees on this committee:

Chemical Discussion Group		
Janis L. Dote*	AU 1756	x21382
Yelena G. Gakh	AU 1743	x21257
Robert Kelly	AU 1633	x20729
Electrical Discussion Group		
Alicia M. Harrington*	AU 2873	x22330
Sy D. Luu	AU 2174	x24064
Mechanical Discussion Group		
Ruth S. Smith*	AU 3737	x24745
Samuel G. Gilbert	AU 3736	x24725
Christoper Schwartz	AU 3683	x27123
"Other" Discussion Group		
Kery A. Fries*	P/OPLA	x27757
Ly M. Phan	I/NED	x25395
Robert Delahanty	AU 2914	x22650

** Discussion Group chairperson*

First FY2007 Quarter Extended

Senior Patents officials listened well during recent discussions about the fiscal year 2007 calendar and took POPA's suggestions to modify the first quarter of FY 2007 to include two additional biweeks. The quarter will now end on Jan. 6, 2007.

POPA proposed the change because a five-biweek quarter would provide insufficient time for a quarterly performance appraisal, which could place employees' jobs in jeopardy, and management was unwilling to forego performance ratings for the short first quarter.

This change will enable employees to take annual leave during the holiday season and still work their end-of-quarter push to make their production goals after the new year.

The agency distributed an updated FY 2007 calendar that supercedes the one previously sent on Sept. 18, 2006. If you need a copy, contact POPA or your supervisor.

Raw Goal Plan *(continued from page 1)*

transferred cases in which they will have to do actions for which they receive no credit.

For sick leave, the flat-goal PAP will compensate employees for a portion of the amount of sick leave they use in a year and, like annual leave, it assumes that sick leave will be used uniformly in each of the two six-month rating periods. Management's current plan bases the raw goal on the use of 6.5 sick days in a year. If an examiner uses more than 10 days of sick leave, management will amend the raw goal to compensate for the excess time taken. But if an examiner takes seven to ten days of sick leave in a year, the production goal will stay unchanged and must be met or the examiner will face consequences.

"Flat Goal, Piecework" are USPTO Top Priority

While the agency states that the flat-goal plan is a pilot, it appears the agency intends to ensure the pilot's success and then institute the PAP for all examiners. The agency states in the USPTO Strategic Plan for 2007-2012 under Objective #1: "Establish Flat Goal, Piecework and awards above 100 Percent."

Senior examiners who already work at high production levels and with a high percentage of examining hours may be the ones most tempted to volunteer for the pilot. The flat-goal PAP is weighted in favor of those who work in excess of 80 percent examining time, which is the minimum required for a fully-successful rating under the flat-goal PAP. However, the agency could raise the required minimum even higher in the future and examiners would have no recourse.

This self-selected sample, therefore, would be much more likely to give the agency the positive marks it seeks, namely higher production. The agency needs this successful data to support the priority initiative, according to its Strategic Plan, of implementing the flat-goal PAP for all patent examiners.

What may work for a relatively few high performing senior examiners will not work for the rest of the Patent corps. If this plan is ordered for all examiners, too many will need to work even longer hours of unpaid overtime, leave the agency or fail.

Results of POPA Survey on Flat-Goal Pilot Program

Survey Conducted May 2006

1. Are you currently a non-probationary employee?[1]
Yes: 70% No: 30%

2. Are you currently on the Increased Flexitime Program?
Yes: 65% No: 35%

3. Do you work voluntary overtime to make production?
Yes: 65% No: 35%

4. Do you work voluntary overtime to make awards?
Yes: 36% No: 64%

5. Do you believe the Flat Goal Program will increase the number of counts that you need to do each biweek?
Yes: 74% No: 26%

6. If you train junior examiners, what correlates most closely to the time you spend per biweek? [2]
0-3 hrs: 43% 4-7 hrs: 28% 8-10 hrs: 16%
10-15 hrs: 8% >15 hrs: 7%

7. If you assign new cases in your art unit, what correlates most closely to the time you spend per biweek? [2]
0-2 hrs: 40% 3-6 hrs: 31% 7-10 hrs: 14%
>10 hrs: 15%

8. If you classify new cases in your art unit, what correlates most closely to the time you spend per biweek?[2]
0-2 hrs: 32% 3-6 hrs: 34% 7-10 hrs: 22%
>10 hrs: 13%

9. Do you earn Special Achievement Awards (SAAs)?
Yes: 43% No: 57%

10. Do you earn Gainsharing Awards?
Yes: 42% No: 58%

11. Do you work paid overtime?
Yes: 41% No: 59%

12. Is the availability of awards or the availability of overtime more important to you?
Awards: 13% Overtime: 24% Both: 48%
Neither: 16%

13. Do you think you are over or under 80% examining time?
Over: 36% Under: 44% Do Not Know: 21%

14. In view of the assumptions for the Flat Goal Plan for annual leave, do you think that you will be unable to use annual leave you earn?
Yes: 72% No: 28%

15. In a year when no one in your family or yourself has a serious medical condition or birth or adoption of a child, how much sick leave do you use?
0-7 days: 38% 8-26 days: 55% >26 days: 7%

16. Will you be volunteering for the Flat Goal Program?
Yes: 5% No: 95%

17. Will you quit training, assigning, and/or classifying under the Flat Goal Program?
Yes: 98% No: 2%

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[1] Percentages may not total 100% due to rounding.

[2] Responses to questions 6, 7 and 8 suggest that those who did not train, assign cases or classify cases may have responded either under the 0-3 hours category or did not respond at all to one or more of these questions.

POPA 2006 Election Nov. 15-16

List of Candidates

President	Robert D. Budens *	1600
Vice President	Lawrence J. Oresky *	3600
Secretary	Howard J. Locker *	1600
Ass't. Secretary	Pamela Schwartz *	1700
Treasurer	Randall P. Myers *	2600

Chemical Area Delegates 1600/1700

Gerald Ewoldt * 1600
D. Lawrence Tarazano*1700
Christine Saoud *1600
Jennifer Graser *1600
Patricia A. Duffy *1600
Geraldina Visconti *1700
Adrienne Johnstone *1700
Kathleen Duda *1700

Electrical Area Delegates 2100/2600/2800

Jeff Swearingen *2100
Gene Munson *2800
Julie Anne Watko *2600
Adnan Mirza 2100
B. James Peikari *2100
Azizul Choudhury 2100
Albert Gagliardi *2800
Vincent Boccio 2600
Scott J. Sugarman * 2600
Michael Shingleton * 2800
William Deane * 2600
Kim Lockett * 2800
Howard Weiss * 2800

Mechanical Area Delegates 3600/3700

David Reip * 3700
Ella Colbert * 3600
Vinh Luong * 3600

Designs and Others Area Delegates

Terri Schenk * OCIO
Melanie Tung * 2900

** Incumbent*

POPA 2006 Election Guidelines

Election of Officers and Area Delegates will be from 9 a.m. to 4 p.m. on Wednesday, Nov. 15 and Thursday, Nov. 16, 2006, at the POPA Union Office, Randolph Building, Room 1D61 (to the right behind the guard station).

1. Only members in good standing may vote. This means you must have paid your FY2006 dues or currently be on the payroll deduction program. (Non-dues-paid members see Note 3 below.)
2. Voting procedures will be as follows:
   a. Members are to proceed to the voting station.
   b. The voting station will be managed by contracted temporary workers and election committee members.
   c. Members should present I.D. card (building pass) and tell attendant their name and voting area.
   d. The attendant will then verify member's I.D. and voting area by comparing to a members' listing by voting area, check off the name from the list and give the member a ballot. The attendant will also check the mailing address for accuracy, and make note of any corrections to be made.
   e. The ballot will then be marked at a voting table, folded, and placed in a ballot box. The ballot will not be signed or otherwise identified by the voting member.
   f. Ballots cannot be removed from the voting area (except by election committee members for the purpose of collecting and counting ballots).
   g. All dues-paid members may vote for Officers.
   h. Members may vote for Area Delegates only in their area of representation, e.g., Chemical members vote for Chemical Area Delegates, etc. Members may submit a blank ballot, vote for only one Area Delegate, or vote for as many Area Delegates as desired up to a maximum of 9 Chemical Area Delegates; 13 Electrical Area Delegates; 6 Mechanical & Business Area Delegates; 2 Designs & Other Areas.
   i. Write-in candidates are permitted; however, a write-in candidate for an Officer must receive at least 15 votes to be elected while a write-in for an Area Delegate must receive at least 5 votes to be elected.
   j. Ballots marked with more than the maximum number of votes permitted will not be counted.
   k. While candidates are permitted to have an observer present at the voting station during the election, no person including candidates will be permitted to interfere with the voting process at the voting station.
3. Persons who cannot produce their official I.D. card should check with the Election Chairperson. Persons who are not dues-paid POPA members may join, pay their dues, and vote in this election, provided they submit their dues deduction form personally to one of the above election officials.
4. Members are permitted to run both as an Area Delegate and as an Officer; however, they may be elected to only one position. If elected as an Officer, the member's name will automatically be removed from the list of Area Delegates.
5. In the event of a tie vote in any race, a run-off election will be held under the following guidelines:
   a. The membership list will be closed, i.e., no new members will be permitted to join and vote in the run-off.
   b. Ballots will be prepared and distributed to the affected area, the election will be held and the ballots counted.
   c. In the event of another tie vote, the candidates will be notified of same. Candidates will be asked if any wish to withdraw to resolve the contest. Failing this, the run-off will be decided by a coin flip.
6. The candidates for Officers and Area Delegates will appear on the ballots in the order listed on this page (asterisk denotes an incumbent).
7. No campaigning or campaign literature will be permitted within 50 feet of any polling room.
8. The Association shall only give out the name, address and area designation of members to candidates who have submitted valid nominating petitions.
9. No absentee ballots are permitted.

JOIN POPA

Patent Office Professional Association

Letters from readers are welcome. Address to:
The Editor, Patent Office Professional Association,
P.O. Box 2745, Arlington, VA 22202

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