

MEMORANDUM

DATE: March 17, 2000

TO: Patent Professionals in the POPA Bargaining Unit

FROM: Nicholas P. Godici
Acting Assistant Commissioner for Patents

SUBJECT: Continuation of Expanded Compensatory Time and Credit Hours

In memoranda I issued on November 19, 1999 and December 15, 1999, I announced changes to the compensatory time and credit hour programs for patent examiners and other professionals in the POPA bargaining unit who use automated search systems. These modifications, made after consulting with POPA, expand the allowable shift hours for these employees. Our intent is to spread usage of the automated systems throughout the day. Specifically, we are interested in promoting use of these systems outside the peak usage period of 9:30 AM to 3:00 PM.

As a result of an agreement signed on February 25, 2000 between management and POPA to create a Partnership Working Group on automation, the following modifications on the expanded use of compensatory time and credit hours will be in force for the remainder of this fiscal year. Any modifications to the comp and credit hour programs for next fiscal year will be communicated to you before September 30, 2000.

Effective the week beginning March 26, 1999, the cap on the total number of compensatory and credit hours that may be earned for the third and fourth quarters of FY-00 by Patent Examiners and other *patent professionals in the POPA bargaining unit* who use the search systems is expanded to 410 hours. This amount was calculated by adding an additional ten hours of compensatory/credit hours per week until September 30, 2000 to the current cap of 140 hours. The purpose of this change is to give you the flexibility to shift your workday hours.

The modifications to the comp time and credit hour programs, which I authorized in my earlier memo of December 15, 1999, will continue for the third and fourth quarters of this FY. In that memo, I authorized Patent Examiners and other *patent professionals in the POPA bargaining unit* who use the search systems to work comp time and credit hours before regular work hours on an employee's regularly scheduled Monday-Friday workday. Employees may earn comp time on regularly scheduled workdays beginning at 5:30 AM. Tour of duty hours, for the purposes of earning credit hours only, will begin at 5:30 AM for scheduled or unscheduled workdays.

The table below summarizes when comp time and credit hours can be worked.

PERIOD BETWEEN 3/26/00 AND 9/30/00

	Regular comp time	Credit hours
Regularly scheduled work day	Beginning at 5:30 AM, Ending at 11:30 PM	Beginning at 5:30 AM, Ending at 8:00 PM
Unscheduled or compressed days off	Beginning at 5:30 AM, Ending at 11:30 PM	Beginning at 5:30 AM, Ending at 8:00 PM
Weekends	Beginning at 4:30 AM, Ending at 11:30 PM	Beginning at 4:30 AM Ending at 11:30 PM (credit hours are not available for part-time employees on weekends)
Holidays (the restriction that comp time and credit hours must be earned either before or after the employee earns holiday pay has not changed)	Beginning at 4:30 AM, Ending at 11:30 PM	Beginning at 5:30 AM, Ending at 8:00 PM (credit hours are not available for part-time employees on holidays)

It is hoped that you will take advantage of these changes to shift your normal working day and thereby reduce the peak demands on the systems. Consequently, the provisions of the compensatory time and credit hour agreements that indicate that compensatory time/credit hours should not be utilized to avoid accessibility on core days are no longer applicable to this special circumstance. All other provisions of the agreements remain in effect. This includes the provision that no more than eighty hours of compensatory time or credit hours may be carried over from one biweek to the next, and the same pay cap provisions that apply to overtime still apply to comp time. The modification of the cap does not affect the limit, set by the Director, of the total number of paid overtime hours, comp and credit hours that can be worked in any pay period. Also, we must maintain our current level of customer service in terms of returning phone calls and being available especially to our West Coast customers.

Both Patent Management and POPA have been working together to address East/West issues in a timely and effective manner. I want to thank you for your continued cooperation and hope the extension of this work schedule flexibility is helpful.