

# POPA PART-TIME PROGRAM

**Date: November 20, 2013**

This agreement between the United States Patent and Trademark Office (USPTO or Agency) and the Patent Office Professional Association (POPA) supersedes previous part-time agreements between the parties.

**1. General:** The part-time program consists of two separate components:

- A. Childcare and Eldercare - specifically designed to meet the demand for part-time work for employees with childcare or eldercare responsibilities. There are two childcare subgroups: parents with preschool-aged children (one who has not begun first grade) and parents with school-aged children (children in first grade through the school year in which they turn age 16).
- B. Retention - specifically designed to enable the Agency to retain experienced employees who wish to work a part-time schedule for other reasons. Employees do not need to disclose their reason for working a part-time schedule under this component.

**2. Number and Allocation of Participants:** The part-time program will have 400 slots:

- 225 slots for the Childcare and Eldercare Component,
- 125 slots for the Retention Component, and
- 50 Interchangeable slots.

A. If the cap of 225 is reached in the Childcare and Eldercare Component, an employee with a preschool-aged child or an elderly relative or equivalent; may still convert to part-time, however there will be no openings for an employee with a school-aged child until the number of total participants goes back below 225.

B. If the cap of 125 is reached in the Retention Component, an employee who is retirement eligible may still convert to part-time; however there will be no openings for a non-retirement eligible retention participant until the number of total participants goes back below 125.

Retirement eligibility will be determined by the CSRS or FERS requirements. Currently, the minimum eligibility requirements are:

1. CSRS: at least 55 years old and at least 30 years of service
2. FERS:
  - a. At least 62 years old and at least 5 years of service; or
  - b. Minimum Retirement Age (varies based on DOB - between 55-57 years old) and at least 10 years of service.

C. The 50 interchangeable slots may be used for either component as needed after the cap is reached in either component.

**3. Duration of Participation:** Each participant will be eligible to serve a minimum of 3 months and a maximum of 18 months in the program. Participants are eligible to reapply in 3-18 month increments. When applying, each employee will specify the desired length of participation and the component of the program under which he/she is applying. The form will be available on the Human Resources portion of the USPTO Intranet or equivalent. At the end of the agreed upon period of part-time status, the employee shall revert to full-time status or may reapply. The Agency shall allow earlier conversion to full-time status at an employee's request consistent with the needs of the Agency.

**4. Schedule of Work:** Program participants will work a flexible schedule consistent with the following:

- a) Each part-time participant must submit a schedule of work containing a minimum of 32 to a maximum of 64 hours per pay period.
- b) The schedule of work must indicate the days during the pay period that the participant will work and the number of hours that will be worked on each day.
- c) This schedule of work will be used to determine benefits such as health insurance premiums.
- d) Participants may schedule a minimum of four hours to a maximum of ten hours each day.
- e) The participant must work at least two days per week, Monday through Friday, with one day being a Tuesday or Thursday, for a total of at least sixteen hours per week.
- f) The schedule of work does not need to be the same each week, but must be the same for each pay period (e.g. work Monday and Thursday of the first week and Tuesday and Thursday of the second week).
- g) Arrival and departure times are flexible, but at least sixteen hours each week must be completed between 5:30 a.m. and 8:00 p.m., Monday through Friday, and include 12:00 p.m. to 2:00 p.m. on either Tuesday or Thursday of each week.
- h) If the participant schedules more than sixteen hours in a week in their schedule of work, the employee may work the additional hours between 4:30 a.m. and 11:30 p.m. Monday through Saturday.
- i) Hours worked in excess of those in the schedule of work may only be worked between 4:30 a.m. and 11:30 p.m. Monday through Saturday.
- j) Participants with contact hour requirements for internal or external customers may be required to work fixed hours, but the fixed hours will be limited to those hours required to meet the customer service obligations.
- k) Participants will earn prorated annual and sick leave based on the number of actual hours worked.

**5. Eligibility Requirements to Enter Program**

**A. Child Care and Elder Care Component**

- 1) Have completed the first year of employment at the USPTO;

- 2) Have a rating of record of at least Marginal, and current performance at least at the Marginal level in all critical elements of the PAP based on the last full quarter, and for quarters 2-4, year to date production at the end of the biweek before starting the program at least at the Marginal level; and
- 3) For employees without a rating of record, most recent one full quarter of performance at least at the Marginal level.

#### B. Retention Component

- 1) Be a non-probationary grade GS 11 or higher employee;
- 2) Have completed at least 1 full year of continuous service with the USPTO immediately prior to applying for this program. Participants must have completed all required training in the PTA; and
- 3) Normally, have a rating of record of at least Fully Successful, and current performance at least at the Fully Successful level in all critical elements of the PAP based on the last full quarter, and for quarters 2-4, year to date production at the end of the biweek before starting the program at least at the Fully Successful level.

At its discretion, management may allow employees with current performance at the marginal level to participate. If an employee is permitted to participate without meeting the criteria of the prior paragraph, approval will be given for 3 months, which may be extended by mutual agreement of the parties.

6. **Holidays:** If a participant has scheduled hours on a Federal holiday, the participant is entitled to claim the number of hours the participant is scheduled to work (see 4a), up to a maximum of eight, and record the hours as holiday leave. Participants scheduled to work more than eight hours on a holiday may work the excess hours during the pay period (including on the holiday as regular time), take annual leave, or take leave without pay to make up the difference.
7. **Information and Application:** Information on this program, including the name of a designated electronic administrative mailbox managed by the management official in charge of administering the program (i.e. Program Administrator), and the request form, will be kept up-to-date on the USPTO Intranet site. The request form must be signed by the employee's first line supervisor and Director (or other Agency official having delegated authority). The request form will then be forwarded to the Part-Time Program Administrator's electronic administrative mailbox by the employee, the employees' SPE/Manager or Director. The Agency shall respond in writing to all requests within 14 days. The Association will be notified if the Program Administrator changes.
8. **Selection of Participants:** The Agency will select participants based on the order of receipt of the requests by date to the appropriate Director (or other Agency official having delegated authority). In the event that two or more requests from eligible employees are submitted on the same date for the Childcare and Eldercare Component and there are not enough slots for all, the service computation date for

leave will determine who gets to participate with preference going to the most senior employees. In the event that two or more requests from eligible employees are submitted on the same date for the Retention Component and there are not enough slots for all, then grade, then degree of signatory authority and then time-in-grade will determine who gets to participate.

- 9. Changes to Work Schedule:** To help meet the needs of the participant or the agency, the supervisor and participant may agree to change the hours or days the participant will work in a pay period. No amendment can be made that results in an amended scheduled workday falling on a holiday or government closure. Such amendment may not be used to habitually change his/her regular work schedule. Agreed upon changes may be for the single pay period or to the regular work schedule for the duration of the participant's participation in the program. Changes to the schedule of work, that alter the number of hours worked in a pay period for the duration of participation in the program, must be sent to the Program Administrator for approval, prior to the participant working the new schedule.
- 10. Information provided to POPA:** The Agency shall provide POPA with a cumulative list of employees requesting part-time employment and the disposition of each on a quarterly basis. This list will include employees on the part-time program and any denials during that quarter.
- 11. Working Additional Hours:** Subject to prior supervisory approval, a participant will be eligible to schedule and work additional regular paid hours when necessary to meet the needs of the Agency or the participant (assuming work is available). A participant cannot work a full-time schedule for two pay periods consecutively.
- 12. Overtime and Compensatory Time:** Participants will be allowed to work overtime and/or compensatory time consistent with law and the provisions of this agreement. There shall be no limits to overtime and compensatory time earned that do not apply to full-time employees.
- 13. Completion of Work Assignments When Converting to Part-time:** Upon conversion from a full-time to a part-time work schedule or from a part-time schedule to a part-time schedule of fewer hours, in some instances an examiner's part-time work schedule may not include sufficient hours to allow the timely completion of cases within the prescribed docket management time periods. If requested by the examiner, during the first 120 days of the new schedule, the supervisor will remove a portion of the cases from the examiner's docket. The number of cases removed should be proportional to the change in examining hours. The cases may be stored on the supervisor's docket for eventual return to the examiner or reassigned to other examiners. In a given quarter, if cases are removed or reassigned, the examiner will not be eligible for a docket management award for that quarter. Additional aspects of the docket management element and the pendency award as it pertains to employees on a part-time schedule are discussed in the PAP guidelines.

- 14. Training and Activities:** Training and participation in Agency-sponsored activities shall be equally available to full-time and part-time employees. However, eligibility for USPTO-subsidized training outside of the employee's scheduled working hours, such as non-duty time technical training, are addressed in those provisions of the training program. Participants may be required to temporarily convert to full-time status to attend Agency-provided training.
- 15. Special Requests:** Employees may request, from the Program Administrator, part-time schedules in hardship situations. Each request will be considered at management's discretion on a case-by-case basis.
- 16. Current Participants:** Current program participants will be able to complete their current term (3 to 18 months) without having to reapply for the program on implementation of this agreement. If current participants want to change the number of hours they are working on a day, they will need to submit a schedule of work in accordance with paragraph 4 to the Program Administrator and their supervisor before adjusting their schedule.
- 17. Work Space:** For the purpose of this program, the parties will maintain the status quo regarding office space for part time employees.
- 18. Participation in the Patents Hoteling Program or Patents Telework Program:** Participants who participate in the Patents Telework Program (PTP) or the Patents Hoteling Program (PHP) are subject to the requirements of the applicable program, unless a requirement is directed to work schedule or is inconsistent with this part-time program.
- A. Requirements for PTP: If participants elect to participate in the PTP, they must work at headquarters/satellite office at least sixteen (16) hours per week. The number of hours of telework may not exceed 40% of their schedule of work, rounded up to the next full hour. Participants may telework on one Saturday per pay period. A participant may telework at both the alternate worksite and headquarters/satellite office on the same day up to one day per week and may telework on more than three days per pay period.
- B. Requirement for PHP: If participants elect to participate in the PHP, they must have a schedule of work containing between thirty-two (32) and sixty-four (64) hours per pay period.

**Signatures:**

Andrew Faile                      11/20/13  
 Andrew Faile                      Date  
 Deputy Commissioner for Patent Operations  
 U.S. Patent and Trademark Office

Robert D. Budens                      20 Nov 2013  
 Robert D. Budens                      Date  
 President  
 Patent Office Professional Association

# POPA PART-TIME PROGRAM REQUEST FORM

**Employee Name:** \_\_\_\_\_

**I am:**

- A Current Part-Time Participant**
  - Renewing participation in the program
  - Notifying of a change in schedule/hours
- A New Applicant**

**I am Requesting participation in the following Part-Time program Component:**

- Childcare (pre-school aged)**  
(has child who has not yet begun first grade)
- Childcare (school aged)**  
(has child in school who has not yet turned age 16)
- Eldercare (parent/grandparent)**  
(has an elderly relative, including parent, grandparent, in-laws or equivalent relationships; who requires care)
- Retention Component**
  - Retirement Exception Eligible**  
(MUST meet CSRS or FERS minimum retirement eligibility requirements)

**I am also \_\_\_ a current participant, or \_\_\_ plan to apply, in the:**

- Patents Hoteling Program (PHP)
- Patents Telework Program (PTP)

**Note:** Must separately apply and be eligible for these programs

**Org./Art Unit:** \_\_\_\_\_

**Phone no.:** \_\_\_\_\_

**Please complete the following:**  
(New applicants and renewing participants only)

Requested start date: \_\_\_\_\_

Requested term in months (3-18): \_\_\_\_\_

End date: \_\_\_\_\_  
Note: At the end of the term, participant will revert to full-time status or may reapply

Years of PTO service: \_\_\_\_\_  
(at least 1yr)

GS Grade \_\_\_\_\_ Grade Date \_\_\_\_\_  
(at least GS-11 for Retention Component)

Signatory Authority:  PSA  FSA

**Work hours per biweek** \_\_\_\_\_  
**Indicate between 32-64 hours**

Note: Hotelers must work between 32-64 hours per pay period

**Indicate the number of hours to be worked and the day on which they will be worked**

Hours	Week 1					Week 2						
	M	T	W	Th	F	S	M	T	W	Th	F	S
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

- \* Must work at least 2 days and 16 hours per week (M-F)
- \* May only work 4-10 regular hours per day
- \* At least one core day (Tues or Thurs) must be worked each week between 12pm - 2pm

**Employee's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor's acknowledgement that the employee meets the eligibility requirements to request enrollment in the part time program:**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Director's Signature:**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please forward the completed form to e-mail box: [Part-TimeAdministrator@USPTO.GOV](mailto:Part-TimeAdministrator@USPTO.GOV)

**Program Administrator's Approval:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Note: Applicants should ensure that their request forms are received by the Program Administrator no less than two (2) weeks prior to the requested start date. Applicants will be notified if their request has been approved or, if no current slot is available, that they have been placed on a wait list.