

**MEMORANDUM OF UNDERSTANDING**  
**for the**  
**BICYCLE COMMUTER REIMBURSEMENT PROGRAM at the USPTO**

1. **Authority and Purpose.** This Bicycle Commuter Reimbursement Program (BCRP) is established under the following authorities:
  - Federal Employees Clean Air Incentives Act, Pub. L. 103-172, 107 Stat. 1995 (December 2, 1993), codified at 5 U.S.C. §7905 which authorizes each agency to establish programs, which encourage employees to use means other than single-occupancy motor vehicles for their commutes to and from work.
  - Internal Revenue Code, 26 U.S.C. §132 which added reimbursements to the list of qualified transportation fringe benefits.
  - Executive Order 13514, Federal Leadership in Environmental Energy and Economic Performance (October 5, 2009)
  - Government Organization and Employees, 5 U.S.C. §2105
  
2. **Basic Benefit.** The USPTO will provide, to any employee who elects to participate and qualifies for the BCRP, reimbursement of up to \$20 per qualified bicycle commuting month. This amount is not to exceed \$240 per calendar year toward Qualified Bicycle Commuting Costs, beginning in January 2016.
  
3. **Eligibility.** All USPTO employees are eligible to participate in the BCRP, provided that the employee:
  - a. Commutes or will commute to and/or from work by bicycle;
  - b. Does not receive a transit subsidy benefit under the USPTO's Public Transit Subsidy Program during the same month they are to receive reimbursement under this program;
  - c. Is not enrolled in a Qualified Parking Program (Obtaining a monthly parking pass at or near the worksite or enrollment in the Parking Reimbursement Account [PRA] Program during the same month for which they are to receive reimbursement under this program).  
Documentation must be provided to substantiate cancellation from the other programs.
  
4. **Participant Responsibilities**
  - a. Follow all applicable bicycle-related municipal ordinances and traffic laws.
  - b. All participants must attend an in-person or webcast information session before claiming reimbursement of qualified bicycle commuter program expenses.

- c. Ensure the accuracy of all claims and certify that the information is true and correct to the best of his or her knowledge, and that the participant understands he or she is seeking reimbursement through the BCRP.
- d. Retain receipts (if obtained in the ordinary course of business) for Qualified Bicycle Commuter Reimbursement expenses for the calendar year.
- e. Self-certify for any expenses whereby a receipt is not obtained in the ordinary course of business, according to program guidelines and procedures outlined in this document.
- f. Understand that it is a violation of law to provide false or fraudulent information in connection with participation in the BCRP (e.g., application, claims) and that there may be disciplinary action for submitting a false claim to the BCRP.
- g. All participants must adhere to the policy and rules of the building and/or garage for the use and safeguarding of bicycles on USPTO owned, rented or leased property.
- h. Participants may have their bicycle benefit canceled if found to have abused or misused the benefits. In addition, violations of this policy may be grounds for disciplinary action. Employees may be required to repay benefits improperly claimed, and may be subject to disciplinary action.
- i. Prepare and submit requests for reimbursement to the BCRP Representative, according to program guidelines and procedures outlined in this document.

## **5. General Information**

- a. A copy of this document and all forms used in the BCRP shall be maintained on the USPTO Intranet webpage entitled Bicycling at USPTO/Bicycle Commuter Reimbursement Program (BCRP) under Green at USPTO. [<http://ptoweb.uspto.gov/green/index.html>]
- b. Employees will be notified of BCRP claim submission deadlines each calendar quarter by announcements in the USPTO Weekly or successor means through January 15 of the claim year. These messages will provide electronic access to the BCRP documents including this agreement, claim forms and training materials.
- c. Where a timely filed application has been reviewed and not approved due to questions regarding information provided by the employee, the employee will be notified by the BCRP Representative or designee. The employee shall have 10 business days from the day they are notified that the application was reviewed and not approved to either resubmit their application or respond to the notification, as applicable, for their application to be considered for the applicable benefit period. If the notification is not responded to within 10 business days after notification, the application will be considered abandoned.
- d. **Accidents While Commuting.** An employee's normal commuting time between home and work is not considered hours of work. Employees retain all liability for accidents that may occur during their personal commutes. Similarly, employees are not covered by the Federal Employees Compensation Act (FECA) coverage while commuting.
- e. In addition to adhering to municipal ordinances and traffic laws, participants are strongly encouraged to wear protective gear when operating a bicycle such as a helmet, reflective vest or belt, and other safety apparel.

## **6. Qualified and Non-Qualified Bicycle Commuting Reimbursable Expenses**

- a. *Qualified bicycle commuting reimbursement covered expenses* include, but are not limited to the following:
  - 1) Purchase of a bicycle;
  - 2) Bicycle improvements including improvements made to the bicycle, or accessories to the bicycle, such as a lock, lights, horns, bells and racks or brackets for attaching items such as luggage or electronic devices to the bicycle;
  - 3) Bicycle repairs; and
  - 4) Bicycle parking/storage.
- b. *Non-qualified bicycle commuting reimbursement or non-covered expenses* include, but are not limited to the following types of items:
  - 1) Safety gear such as helmets, vests and gloves;
  - 2) Personal apparel, including protective/reflective or non-protective/reflective clothing and shoes;
  - 3) Backpacks, briefcases and laptop bags, unless they are designed to be attached to the bike;
  - 4) Electronic devices such as Smartphones, and their related accessories;
  - 5) Bicycle sharing programs do not qualify under reimbursement guidelines; and
  - 6) Shower costs associated with bicycling to work.

## **7. Procedures**

- a. All participants must attend an in-person or webcast information session before claiming reimbursement of qualified bicycle commuter program expenses. These sessions will be provided by the Office of Finance and information provided in the USPTO Weekly or successor means on when the training is available.
- b. The USPTO will reimburse participants up to \$20 per qualified bicycle commuting month. This amount is not to exceed \$240 per calendar year toward Qualified Bicycle Commuter Costs.
- c. All participants must retain receipts for Qualified Bicycle Commuter Reimbursement expenses (if obtained in the ordinary course of business) incurred for the calendar year or self-certify for any expenses whereby a receipt is not obtained in the ordinary course of business, according to program guidelines and procedures outlined in this document.
- d. Prepare and submit claims for reimbursement to the BCRP Representative. Only one claim is permitted per participant per calendar year. Participants may claim reimbursement for reasonable expenses incurred during the calendar year, but will only be eligible for reimbursement of up to \$20 for each Qualified Bicycle Commuter Month during that calendar year. Participants must follow the procedures for submitting claims for reimbursement as directed by the USPTO Office of Finance. The deadline for claim form submissions is January 15th of the following calendar year.

- e. All participants must self-certify to meeting the “Qualified Bicycle Commute” and “Qualified Bicycle Commute Month” thresholds.

## 8. Claiming Reimbursement for Qualified Bicycle Commuter Expenses

- a. The IRS code §132(f) limits the time for which an employer may provide non-taxable reimbursements to employees. To ensure timely processing of bicycle commuting benefit reimbursements, all claims must be submitted to the Office of Finance **annually** by January 15<sup>th</sup> of the calendar year following the benefit period in which the expenses were incurred. For example, claims for bicycle commuting expenses incurred between January 1, 2016 and December 31, 2016, must be received by January 15, 2017. The Office of Finance will process claims and issue reimbursements within 20 days of a proper claim submission.
- b. A participant may claim reimbursement for qualified bicycle commuter expenses up to the maximum monthly benefit amount of \$20, not to exceed the \$240 annual maximum benefit reimbursement amount. For example, if the participant purchases a bicycle in January for an amount that exceeds \$20, the participant may accumulate and distribute benefits across multiple qualified bicycle commuting months. However, the participant would only be entitled to claim up to the maximum amount of \$240 for the benefit reimbursement period—provided the participant was eligible for reimbursement for all 12 months during the calendar year.
- c. Each participant must complete and submit the BCRP Claim Form with supporting documentation to the USPTO BCRP representative to receive reimbursement.

## 9. BCRP Claim Form Submission Procedures

*Qualified applicants must:*

- Complete a claim form, attach supporting documentation and submit as follows:
  - ✓ Signed & completed USPTO Bicycle Benefit Claim Form
  - ✓ Receipts for expenses incurred. If a receipt is not provided in the ordinary course of business, the employee must certify as to the date, type of expense (i.e., purchase of a bicycle, bicycle improvements, repair or storage) and the amount of expenses incurred.
  - ✓ Verification of cancellation from a Qualified Parking Program or Transit Subsidy Program, if applicable
- Submit the claim form and supporting documentation using the following options:
  1. **In-person:** Deliver claim documentation to the USPTO BCRP representative in the Office of Finance, Carlyle Place, 2051 Jamieson Avenue, 3<sup>rd</sup> Floor, Alexandria, Virginia, 22314.
  2. **E-mail:** Send claim documentation to [PTOBCRP@USPTO.GOV](mailto:PTOBCRP@USPTO.GOV) email address
  3. **Fax:** Send claim documentation by fax to 571-273-6400

4. **Mail:** Send claim documentation by mail to the following address (claims must be received by the deadline, not postmarked):

U.S. Patent & Trademark Office  
Office of Finance  
Attn: USPTO Bicycle Commuter Reimbursement Program  
Mail Stop 17, P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: Please email [PTOBCRP@USPTO.GOV](mailto:PTOBCRP@USPTO.GOV) to confirm receipt of a claim form submission.

- Claim non-receipt of reimbursement:

Participants who do not receive their expected reimbursement within 20 business days of filing their initial claim, must email the [PTOBCRP@USPTO.GOV](mailto:PTOBCRP@USPTO.GOV) or designee within 10 business days to notify the program office of non-receipt. The program office will research the claim, notify the participant of the claim status, and any actions that will follow as a result of the claim within another 10 business days. A participant may file a grievance against this decision, if necessary. (Instructions for claiming a grievance are listed below in section 11).

## 10. Reimbursement Payment Methods

Normally, reimbursement payments are to be issued through an electronic funds transfer to the employee based on banking data currently on record and used for payroll.

## 11. Grievances Concerning the BCRP

*Any participant who is aggrieved over any aspect of the program may:*

- a. Appeal in writing to the BCRP Representative or designee within 10 business days after the matter or the date the employee becomes (or should have become) aware of the occurrence.

The appeal must contain the following information:

- the employee's name, position, and organization;
- an account of the incident(s) giving rise to the appeal;
- reference to the provisions of the BCRP program that are alleged to have been violated;
- an explanation of how the provisions of the BCRP program have been violated; and
- the remedy sought.

A meeting may be requested by either party within 5 business days of the written appeal. This meeting shall be scheduled by mutual agreement for a time between 9:30 a.m. and 3:00 p.m. during the next 6 business days. A written decision will be given to the employee within 10 business days following the written appeal or 5 business days after the meeting, whichever is later. Following this written decision, if issues remain, a grievance may be filed per the provisions of the participant's negotiated grievance procedure.

OR

- b. Proceed directly to grievance per the provisions of the participant's negotiated grievance procedure.

12. **Reinstatement of Parking.** Employees who forfeit a parking space controlled by the USPTO to participate in this program shall be eligible for reinstatement of their parking permit on a priority basis when:
- a. New participants decide to terminate their participation before the end of the first full calendar quarter they have participated in the BCRP program; or
  - b. Participants suffer a ten percent or greater reduction in benefits resulting from funding cutbacks to the BCRP program.

*Priority basis means that their names will be placed ahead of all other names on the applicable waiting list except those who also have priority status.*

13. **Increases in Maximum Monthly Amounts for the BCRP.** If the maximum monthly or yearly bicycle commuter reimbursement amount increases in the future, the maximum amount paid under this program will also increase, with the other provisions set forth above remaining unchanged, unless the Agency or any of the unions request to bargain before the effective date of the new amount. So long as there are no other changes to law, rule, or regulation (including Executive Orders) pertaining to the BCRP, IRS adjustments to the maximum benefit, as set out in 26 U.S.C. § 132, shall be automatically applied to this program.

14. **Meetings.** The parties shall meet at the request of any party to discuss the program and any issues arising from the program. The parties agree to work together to jointly address issues raised by any of the parties with a goal of reaching a resolution to the issues that is acceptable to the parties within a reasonable period of time. Agreed upon changes will be implemented. In addition, at the end of the first year of the program, after the claim forms have been processed, the parties will meet to discuss the program including number of participants, reimbursement amounts and any issues that might have arisen in the first year of the program and discuss and implement any changes that need to be made to the program, forms or training.

15. **Termination/Changes to the BCRP Program Budget.** If management determines it to be necessary to reduce or terminate funding for the BCRP, no USPTO employee will receive a greater reduction in their individual maximum subsidies than any other person in the USPTO. When the program funding is reduced or terminated, it will be reinstated when such action is no longer necessary.

16. **Effective Date.** The provisions of the revised program are to become effective for benefit periods beginning on or after January 1, 2016.

## Definitions

***Bicycle.*** (1) A two-wheeled vehicle that is solely human-powered; (2) A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

***Bicycle Improvement.*** The act of enhancing value or excellence; something that enhances value or excellence.

***Bicycle Repair.*** To fix or mend something. To restore to a good condition after decay or damage.

***Calendar Year/Claim Year.*** Twelve (12) consecutive months beginning January 1 and ending December 31 of that same year.

***Commute.*** Employee's personal travel to and from the employee's residence and their duty station.

***Effective Date.*** The provisions of this program are effective from January 1, 2016.

***Employee.*** A current USPTO employee, paid student/intern, and/or unpaid student volunteer. For the purposes of this policy, a student who provides voluntary service under 5 U.S.C. §3111, shall be considered a USPTO employee.

***False Claim.*** Knowingly presenting or knowingly causing to be presented to the Federal Government an untrue statement to obtain payment or funds from the Federal Government.

***Fringe Benefit.*** An employment benefit given in addition to an employee's wages or salary. Qualifying benefits are not taxable to the employee. See *Qualified Transportation Fringe Benefits* below.

***Multi-Modal Commute.*** A commute that consists of travel by more than one mode of transportation (e.g., bicycle, bus, car, train, and/or ferry).

***Qualified Bicycle Commute.*** Travel to and from a participant's residence and workplace, of which at least 50% of the distance traveled is by bicycle.

***Qualified Bicycle Commuter Costs.*** Expenses incurred by the employee for the purchase of a bicycle and bicycle improvements, repair and storage.

***Qualified Bicycle Commuter Month.*** A month during which at least 50% of a participant's commutes consist of Qualified Bicycle Commutes.

***Qualified Parking (Obtaining a monthly parking pass at or near the worksite or enrollment in the Parking Reimbursement Account [PRA] Program).*** Parking that is provided to an employee by an employer on or near the employer's business premises. This includes parking on property that the employer owns or leases, the employer pays for, or for which the employer reimburses through any mode, including a compensation reduction arrangement.

