



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

August 27, 1999

MEMORANDUM FOR Patent Office Professional Employees

FROM: Office of Human Resources

SUBJECT: Agreement on Credit Hours

I am very pleased to announce that through the partnership efforts of the PTO and POPA, a credit hour program has been established. We believe this program provides employees with an even greater ability to balance their career and personal obligations.

This program is available to POPA bargaining unit full time employees, who are limited or barred from earning compensatory (comp) time due to the overtime pay cap. Employees covered under this section would be all those who cannot work 32 hours of overtime in a pay period because of pay cap regulations. For those employees not under a special pay scale, currently the covered full time employees are at GS-14, steps 8-10, and GS-15, step 2 and above. For those employees on the biotech special pay scale, currently the covered full time employees are those at GS-14, step 6 and above.

POPA part-time employees will also be able to earn credit hours because the regulatory restrictions have often made it difficult for part-timers to earn comp time.

Our credit hour program has been designed to comply with the statutory and regulatory issues that are unique to credit hours. Details about the program, and an election form, will be placed in the public shared folders under Human Resources / Benefits / Credit Hours Program. Briefings for managers and affected employees will be scheduled as soon as possible. You will be notified separately of the schedule for these briefings.

I am excited to be able to announce this program which offers benefits to our employees and offers better service to our Western time zone customers. We hope that PTO employees find the program to be a valuable benefit that aids them in balancing their family and Office responsibilities.

/s/

Alethea Long-Green
Director

CREDIT HOUR PROGRAM

August 26, 1999

The Patent and Trademark Office and the Patent Office Professional Association (POPA), working in partnership, have developed and agreed to the following operating procedures for the Credit Hour Program. It is understood by the parties that these operating procedures have been developed pursuant to the provisions of Executive Order 12871, Labor-Management Partnerships.

1. a) This program is available to POPA bargaining unit full time employees, who are limited or barred from earning compensatory (comp) time due to the overtime pay cap, subject to the conditions below. Employees covered under this section would be all those who cannot work 32 hours of overtime in a pay period because of pay cap regulations. For those employees not under a special pay scale, currently this would be GS-14, steps 8-10, and GS-15, step 2 and above.
- b) This program is also available to POPA bargaining unit part-time employees but see section 11 below for further limitations unique to part-time employees.
2. To be eligible to work credit hours, a full time employee must be on a flexible five day - eight hour per day work week, a Flexible 5/4-9, or a Flexible 4-10 hour schedule. The law only provides for credit hours for those on flexible schedules (5 U.S.C. §§6121, 6122).
3. a) An employee may elect a Flexible 5/4-9 schedule or a Flexible 4-10 schedule wherein there will be no core hours on one or two of the workdays in the pay period and wherein a full time employee must work a basic work requirement of 80 hours in the biweekly pay period. An employee electing the Flexible 5/4-9 or 4-10 schedule will only earn 8 hours holiday pay on a holiday. This is set by statute (5 U.S.C. §6124). An employee electing the Flexible 5/4-9 schedule will work eight hours on the last scheduled workday of the pay period.

b) ELECTING OR SWITCHING WORK SCHEDULES:

- (1) An employee may elect to change to a Flexible 5/4-9 or a Flexible 4-10 schedule option within one month after the effective date of this agreement. The schedule change will take effect the first full pay period after the election.
- (2) After the one month time frame in section 3 b(1) above has passed, an employee will be permitted to request to switch to a Flexible 5/4-9, or a 4-10 schedule option only during the last two weeks of the months of February, May, August, and November. Upon supervisory approval of the request, the employee will begin participating in the selected schedule option beginning the first full pay period in the next quarter of the fiscal year.
- (3) An employee may switch to the five day - eight hour per day work week at any time by giving the supervisor two weeks advance notification.
- (4) When circumstances arise which are both unusual and extenuating, an individual employee upon written request may, after obtaining appropriate supervisory approval, be permitted to amend his or her choice of an unscheduled work day to another day in the same pay period, provided that such amendment will not prevent the unit to which the employee is assigned from providing its normal service to the public, the Office, and other agencies of the Government.

c) ELECTING UNSCHEDULED DAYS OFF:

- (1) An employee, electing the Flexible 5/4-9 schedule option, may elect a Monday, Wednesday, or Friday as the unscheduled work day.
- (2) An employee, electing the Flexible 4/10 schedule option, may elect to have Mondays, Wednesdays, or Fridays as the unscheduled work days in a pay period. The same day in each week must be elected as the unscheduled work day.

d) HOLIDAYS ON UNSCHEDULED WORK DAYS:

- (1) When a holiday falls on a Monday unscheduled work day, the employee will be granted Friday as the holiday. When a holiday falls on a Wednesday unscheduled work day, the employee will be granted Tuesday as the holiday.
 - (2) When a holiday falls on a Friday unscheduled work day, the employee will be granted Thursday as the holiday.
4. When a holiday falls on a scheduled 9 or 10 hour work day for employees on the Flexible 5/4-9 or 4-10 schedules, as required by statute (5 U.S.C. §6124), the employee will only earn 8 hours holiday pay. Such employee will either have to take appropriate leave for the 9th or 10th hour or the employee may adjust his/her work schedule for that pay period only to work the additional hour(s). Such additional hour(s) must be completed during the regular or credit tour of duty hours that pay period (see section 5 below). Any additional hour(s) worked under this situation will not be considered for purposes of the yearly cap.
5.
 - a) Regular tour of duty hours continue to begin at 6:30 a.m. and end at 6:00 p.m. on Monday - Friday for regular work. Tour of duty hours, for the purposes of earning credit hours only, extends from 6:30 a.m. - 8:00 p.m., Monday - Friday on an unscheduled work day, extends from the end of the regular tour of duty through 8:00 p.m. on a scheduled work day, and extends from 4:30 a.m. - 11:30 p.m. on weekends. The amount of credit hours that can be earned on Saturdays and Sundays during any one pay period is sixteen (16) hours. The tour of duty hours for earning credit hours on a holiday is covered separately in section (d) below.
 - b) Credit hours cannot be earned on scheduled work days until the end of the workday.
 - c) Employees on the Flexible 5/4-9 or 4-10 schedules can earn credit hours on an unscheduled workday.

- d) Credit hours may be worked on a holiday for work in excess of the basic work requirement of 8 hours on a holiday. Since holiday pay is limited to eight hours for those on a flexible schedule, a maximum of 4 credit hours may be earned on any holiday, either before or after the 8 hours of holiday pay is earned, and may be earned no earlier than 6:30 a.m., nor later than 8:00 p.m.
6. Credit hours subject to the yearly cap (see paragraph 10 below) must be earned before being used.
 7. The performance eligibility standards for working credit hours will be the same as for comp time.
 8. Employees, using credit hours under this program, are responsible for making arrangements to complete work assignments when due.
 9. The combined total of credit hours and comp time hours, excluding religious comp hours, carried forward from one pay period to the next may not exceed 80. Of the 80 hours, the number of credit hours carried forward may not exceed 24. The limit of 24 credit hours carryover is set by statute (5 U.S.C. 6126a).
 10. The combined total of credit hours and comp time hours earned, excluding those comp hours earned under Mat/Pat and religious comp, may not exceed 140 in a fiscal year.
 11. Part-time employees can earn credit hours as follows:
 - a) Part-time employees yearly allotment of credit hours is prorated the same as for comp time.
 - b) For carry-over purposes, a part-time employee may carryover credit hours from one biweekly pay period to a subsequent biweekly pay period, an amount equal to one-fourth of his/her biweekly work requirement. This is set by statute (5 U.S.C. §6126a). For example, a part-time employee whose tour of duty is 60 hours in a pay period may not carryover more than 15 credit hours.
 - c) Part-time employees may earn credit hours after their scheduled work

day until 8:00 p.m. or from 6:30 a.m. - 8:00 p.m. on their Monday - Friday unscheduled work days. A part-time employee's unscheduled Monday to Friday work days are part of the part-time employee's tour of duty for the purpose of earning credit hours. Part-time employees may not earn credit hours on the weekends or on holidays.

12. The use of credit hours will follow the same guidelines as annual leave in that the use of these hours must be approved in advance except when the Government is on unscheduled leave.
13. Credit hours may ordinarily not be earned on a day when the employee is incapacitated because of illness or uses leave for the entire day.
14. The use of credit hours should not be utilized as a means to constantly substantially avoid accessibility on core days, i.e., Tuesday and Thursday.
15. All credit hours must be used before starting a compressed schedule or before starting a fixed five day-eight hour per day work week.
16. The Assistant Commissioner for Patents or equivalent, or his/her designee, has the discretion and authority to ease any of the restrictions set forth above on a case by case basis or for purposes of operational needs.