

#1 – Can POPA provide a track changes document to show what has changed from the old K to the new K?

A: This is not possible due to the breadth of changes. We did not start with the 1986 contract if you look at what Management first presented to POPA and then what we presented to Management for our counterproposals. Excel in SharePoint was used to keep track of changes and agreement on proposals. It did not allow for track changes, just version control. So we might have 30 versions of an article.

#2 – Why are only dues-paying members allowed to vote in the ratification?

A: This is standard in labor law. Federal unions do work a little differently than private sector or non-federal public sector (such as teachers and police) in that we do have to represent all employees in some cases (such as investigatory meetings), which is not usual in private or non-federal public sector unions. We understand that there is confusion sometimes on membership due to those requirements.

#3 – Can we do a partial ratification – like vote for the most of it, but not a part we don't like?

A: No. It is all or nothing.

#4 – What happened to POPA's proposals on wellness and sabbaticals – those were good ideas.

A: Those were great ideas, which is why we added proposals covering those especially with how the Director has talked about Wellness. We fought for these to the end but this is not a great time to negotiate for items that require more non-production time due to pendency issues. We were told at the table NO additional non-production time.

#5 - If we get a new presidential administration, are we protected from the new administration making the agreement null and void?

A: The agreement would be valid for the duration, regardless of the administration, and then it could be renegotiated. During renegotiation, management could propose changes conforming to what the administration at the time of renegotiation wanted in CBAs.

#6 - The presenter who mentioned the core hour requirements during the October 15 POPA CBA Meeting said that the core hour would be 1-2pm local time. Our core hour is currently 1-2pm eastern time. Is this a deliberate change or a misstatement?

A: This is a change from the current requirement. For patent examiners and most patents employees, the core hour will be 1-2pm Thursdays local time. There are a few organizations that have a specific core hour in Eastern time (OCFO, OCIO, OPIA). If you are in one of these organizations, check the work schedules article for information on your core hour.

#7 - Questions on gainsharing award.

A: People have asked why did it lapse? It was set up as a one year (fiscal year) pilot. Technically the pilot ended 9/30/2024 but management has indicated that they want to look at the data and discuss with POPA if the gainsharing award will revert back to what we had before the pilot, continue as under the pilot MOU or be modified differently. Feedback can be sent to popahelp@popa.org.

#8 - Article 45, section 5 sets forth that "when window offices become available for employee use, employees will be allowed to move from interior to window offices based on the procedures in section 3.

I don't see any language that restricts this specifically to GS-13 and above, as had been the case in the past. Does this mean that, space permitting, GS-12 examiners (for example) would be permitted to move to available window offices?

A: Since we went back to brick and mortar office following the telework agreements in May 2022, POPA has been advocating for moving people out of interior offices into exterior offices, regardless of GS level, due to the fact that we have availability of exterior offices. These exterior offices should not be left vacant.

#9 - In article 26, Section 2 (regarding administrative leave for elections): is the 4 hours of admin leave mentioned right below the section heading indicating that each of A, B and C can be 4 hours per event or the combined amount of A, B and C is 4 hours? I saw that Section D has the max per year spelled out, so I am assuming my answer is the former, but I wanted to check.

A: Correct – administrative leave to vote in any election described in A, B and C is limited to 4 hours per election event. Administrative leave to serve as a non-partisan poll worker/observer is limited to 4 hours per year.

#10 – Can POPA summarize what we GAINED in the new CBA, and what we LOST, and what was added that has minimal impact?

A: We are going to list some gains, maintained and new items that POPA proposed but could not get. This list is not exclusive.

GAINS: Management wanted a different process for approving pilot programs that would leave POPA out of the process until after the pilot was run. This Article was withdrawn fairly early in the process after POPA protests. Pre-decisional involvement especially in automation. Additional time for each of the grievance stages. Time for retirement counseling. Credit hours for part-time employees. Part-time employees may participate in the technical studies program. Up to 24 hours of credit/comp can be earned on Sat/Sun. Same time band for all work schedules. Meal breaks not required for all work schedules. Ability of employees outside of Patents to request part-time work schedules.

MAINTAINED: The vast majority of topics were maintained without a lot of contention. Here are some of the heavily discussed topics: 1 hour increments of non-production time, green folders (for patent examiners), negotiate new space as needed, negotiate 24/7 building access if management decides to make a change, requesting leave as now (management proposed WebTA only), notice for meetings (management proposed employees attend meetings if on duty with little or no notice). 16/40 time and technical reading. Awards article. Fair and equitable treatment of employees. Maintain compensatory time and over time eligibility rules where they are authorized. Voting leave (same as current executive order) and leave for bar examination. Lots of items not listed were maintained without a lot of contention.

ITEMS PROPOSED BUT NOT GOTTEN: paid or unpaid sabbaticals, time for wellness activities, administrative leave for agency-approved volunteer activities

#11 - If we vote NOT to ratify the agreement, will there be a meeting/survey for those represented by the POPA to provide comments on goals for the next agreement? If not, why can't there not be a meeting/survey?

A: Management has to give time if POPA is going to have a meeting that is not on the employees' own time.

A vote of "no" on ratification kills the current negotiated CBA. This negotiated CBA is not a starting point from which to negotiate. The process would have to start over again.

#12 - Does the new CBA cover training for the special programs, present and yet to come? For example, PPH (patent prosecution highway) needs to be fleshed out. Would be nice if management gave a refresher course under the 25 hour allotment (training bank) to explain all the special programs.

A: The CBA covers training in Article 42. The purpose of the CBA was not to negotiate specific training. That is a good suggestion for a training that could be added to refresher classes under the training bank.

#13 - What is the office's position on automation. Specifically, do they have a detailed plan on how to automate the patent process?

A: Automation covers a wide variety of IT processes, including the tools that are in use today and in development. Some of these tools are meant to aid in search and others proposed can aid in other aspects of the examination process. However, steps towards removing the examiner from examination are not currently being discussed.

#14 – Any insight on the MOU regarding the Promotions to a non-supervisory GS 15 Patent Examiner Position? The CBA only says that the parties are willing to discuss it. Is it currently being discussed?

A: The issue is at OPM at this time and the USPTO is waiting for more information. We put this issue into the MOU so that we can go back to this once the OPM guidance/decision is given to the agency.

#15 – Does the CBA cover anything about the search process or standard and time for searching, or is this under the TRP agreement?

A: This is covered under TRP.

#16 - If business hours are defined Monday -Friday 830AM-5PM in Article 3 section 4, then why do DM clocks still operate on Saturday and Sunday?

A: The docket management process was set up as calendar days for clocks. Early on in docket management, POPA advocated for clocks running Monday through Friday but management would not agree to that. We have continued to advocate for weekends and holidays not counting in the clocks.

#17 - Why are only full time employees allowed to take college classes under the legal and technical training programs? Is there any possibility for the benefit to be pro-rated based on part time hours worked?

A: Employees on a part-time schedule will be able to participate in the technical studies program (prorated reimbursement). Legal studies still has the full time eligibility requirement. The Agency has maintained that this is an expensive program and that adding additional eligible participants would jeopardize the program.

#18 - Are Patent Business Analysts explicitly mentioned as protected under the CBA? Can this be put into writing?

A: All employees in the POPA bargaining unit are covered by the CBA. There might be some differences such as core hours for different positions but those are delineated in the CBA.