POPA NEWS
Patent Office Professional Association
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Conyers-Kaptur Amendment to Protect Patent Integrity

Reps. John Conyers (D-Mich.) and Marcy Kaptur (D-Ohio) demonstrated their sensitivity to outsourcing USPTO jobs and protecting the integrity of the patent system by proposing on Feb. 10 an amendment to H.R. 1561, the USPTO fee modernization bill. At press time, the House was planning to consider the bill when it returned from its Presidents' Day recess.

The Conyers-Kaptur Amendment would reduce the administration's proposed patent fee increases by ensuring that the entire patent examination process remains an inherently governmental function and by maintaining the current 50 percent small business discount.

H.R. 1561, as reported by the Judiciary Committee, increases patent fees by authorizing new search fees and new examination fees in addition to the basic filing fee. The new search fee, the largest of the patent filing fees, does not qualify for a small business discount. The amendment eliminates the sections creating new search and examination fees. Even though this amendment would raise less revenue than the administration's proposal, it would maintain an adequate income for USPTO operations and save small businesses at least $250 on every patent application.

The language of the section in H.R. 1561 authorizing new search fees also would authorize the director of the USPTO to administratively increase the search fees without

(continued on page 8)

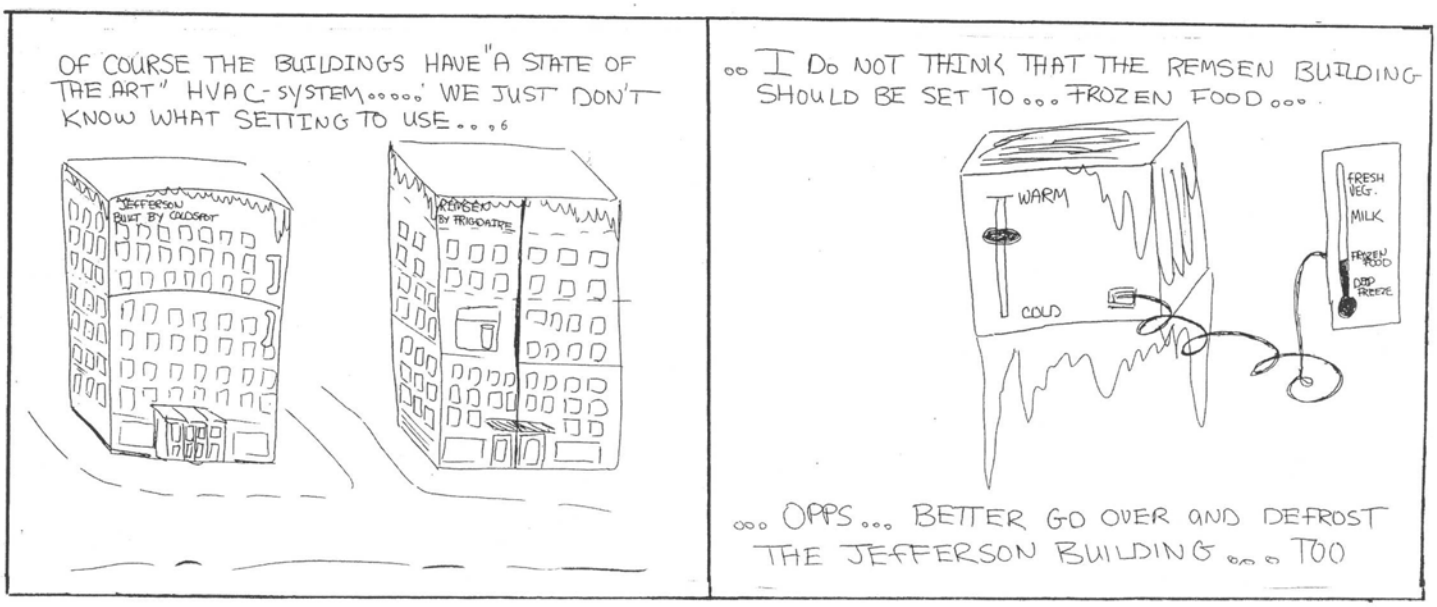
The Carlyle Move Highlights Poor Management Decisions

While employees appreciate some features of the new USPTO Carlyle buildings, several aspects of the campus were poorly conceived and executed, causing many employees to feel isolated, endangered, and insultingly monitored by agency management.

The new buildings include private offices for all professionals, an updated phone system and 9-foot ceilings. Each building has eight elevators, allowing faster service. And the staircases are open for use between floors, which wasn't possible in the Crystal Park buildings for security reasons.

However, many worklife amenities—such as parking, transportation, food service, and pedestrian security—are inadequate for the nearly 1,500 employees now housed at Carlyle. With the majority of USPTO employees yet to be relocated, the agency can learn from the experiences of employees moved during this first phase to improve the next move phase, scheduled for fall 2004, and to improve the morale of all employees, including managers.

(continued on page 4)



Carlyle Iceboxes

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Questions Answered at POPA Meeting with Employees

The December 2003 POPA meeting with bargaining unit members attracted a standing-room-only crowd of patent professionals to the Crystal Forum auditorium. After introductions and presentations by POPA lobbyist Helen D. Bentley and POPA President Ronald Stern, audience members asked questions of POPA officials on a variety of workplace topics. Excerpts of the Q&A session appear below.

Q. How safe is our retirement?

A. Our retirement is as safe as the U.S. government. It is not an obligation of the USPTO but of the U.S. government.

Q. Did the agency talk about not letting us waive into the Patent bar?

A. There is a package of rules that the USPTO is considering that might make it difficult for some people to waive into the Patent bar. But I think it may only affect union officials. The four-year waiver is still going to be safe for 99.9 percent of the Patent corps, at least for the moment. We convinced the agency to agree that if you are a member of the Patent bar you will not have to take any certification exam. (scattered applause) You can tell by the number of people clapping that it's not a huge percentage of our bargaining unit

Q. When is the new overtime rate effective?

A. It's effective immediately, which means you'll be paid for it retroactively. You won't see the pay for a while because it takes time for everyone to get on board, to understand the meaning of the provision, to change the computer program and then to implement it. This is a definite benefit.

Q. With the new overtime pay, what will happen as a result of the GS-15 Step 10 ceiling?

A. GS-15 Step 10 means you can't do overtime at all. The combination of base pay plus your premium pay, including overtime pay, can never exceed the base amount paid to a GS-15 Step 10. If your grade and step is close to the cap, you can do fewer overtime hours than before. Until Congress lifts that cap there's nothing you can do to get paid for more overtime hours.

The agency can do something, but it has refused. The head of the agency can certify that it's essential to apply the cap on a yearly basis, instead of a pay-period by pay-period basis. It wouldn't affect anyone in Step 10 but it could affect a GS-15 at a lower step.

Q. In the recent quality initiatives, I saw that an examiner can take the test twice in one year. If they fail the test twice in one year, what happens?

A. If you fail the certification exam twice it's not going to stand you in good stead. The bosses may very well turn around and begin targeting all your work for review and see how many mistakes you make. If they target you and you make as many mistakes as the average employee, you're going to be out of the agency pretty quickly.

Q. Will the office keep track of examiner's locations and/or hours worked with the new PTO smart-card badges?

A. At Carlyle they're going to have turnstiles, a lot like they have at the Metro. You'll have to swipe your card, which contains a chip, for entrance. Originally management told us that they were not going to use the smart cards for exits. But the most recent management position is that you'll have to use your smart card for every entrance and every exit. Once you're in the security envelope—basically all the buildings including the fitness center and child care center—you can go anyplace you want and travel freely, including in between floors, without swiping your smart card. For the fitness center, the cards will be coded to allow entrance only if you're a member. The same goes for the child care center. The cards cost $26 each, compared to the 50 cent cost of the old cards. And the new facility will have the capability for 400 video cameras. There will also be guards at entrances to override any stupidities of the system. In the event of a fire or emergency, the doors and gates will automatically open to allow easy exits.

[*Editor's note:* The agency has since argued that the reason for recording exits is to allow security to know who's in the building in case of emergency. This explanation is specious in light of the agency's admitted plan to open all doors and gates without recording exits in the event of an emergency. For more on this topic, see the Carlyle article on page 1.]

Q. Is there a specific timetable for implementing the exams? Have they offered any evidence of the validity or reliability of the exams? Have you been in touch with any organizations that have expertise in employment fitness tests and the issues surrounding them?

A. We've investigated a great number of the issues surrounding employment testing. A lot of organizations out there specialize in determining disparate impact of tests. There's a lot of litigation regarding disparate impact and we have talked with an expert in the area. Recertifications will affect all GS-13s and above, not just full sigs. The agency intends to recertify anybody who has a grant of legal competence. They intend to do it once every three years. They want to start with the most senior examiners in March 2004. We proposed that the USPTO collect documentation to prove whether or not there is a disparate impact. We went to the Federal Service Impasses Panel (FSIP) on that. Management said they don't need to document anything, they're going to do the minimum required by law, and the Impasses Panel agreed with management. So even if we want to prove that there's a disparate impact we're going to have to do it via a specific case. This will take years.

(continued on page 3)

Questions Answered at POPA Meeting with Employees

(continued from page 2)

Q. How do we find out if we've been identified for the testing that begins in March 2004?

A. The target for recertification this year is the most senior people, the top third, most senior examiners. We don't have a current list. Ask your supervisor.

Q. Will primaries in TC 2600 continue to be doubled in one office?

A. Primaries being doubled is contrary to our agreements. It's unforgivable for management to do that. We have a grievance going but unfortunately we have to obey now. By the time the grievance is resolved it will only regard Carlyle. Virtually every member of the bargaining unit, at almost every grade that we currently have, will initially get his or her own office at Carlyle. Then newly hired examiners at Carlyle will be doubled, with the lowest grades getting doubled first.

If you're a primary examiner and you're doubled, ask your supervisor for disturbance time and document the disturbance situation. If it's on your timesheet POPA has a record for evidence if and when we do get a remedy to our grievance. We have a precedent in which an arbitrator allowed a 7 percent adjustment to account for disturbance time for unjustified doubling. Send documented disturbance time via e-mail to Larry Oresky, who is in charge of POPA's current grievance.

Q. Will POPA try to renegotiate the Work-at-Home program soon in light of the Image File Wrapper?

A. When Work-at-Home started, employees could take home paper files. Now with IFW, employees have to take home the working file and often have to make the printout and copies themselves. We've asked management to look into ways to make it easier to copy documents to bring work home.

We had enough slots to accommodate all primaries who wanted to telework this year. We have an opportunity to renegotiate if we wish to. If you have any good ideas for when we renegotiate, please send them to Pamela Schwartz.

Q. The 2004 pay raise for GS-15 Step 10 on the regular GS schedule with locality pay will exceed the GS-15 Step 10 pay on our special pay schedule. Will we get the higher pay?

A. Yes. By statute you get the higher of the two rates.

Q. How does POPA feel about the size of offices at the new building? How does POPA feel that the push for larger offices resulted in us not getting new office furniture?

A. We have an FSIP-awarded contract that gives us 150 sq. ft. offices with no less than 145 sq. ft. of usable space. Management is conforming to that. When the size of the offices was decided a few years ago, there was no issue of a trade-off between office size and furniture. Currently regarding furniture, to be honest, management just doesn't want to spend the money on you, pure and simple.

Q. Can qualification tests be made blind to eliminate management biases against certain people?

A. POPA did suggest that to management and it's one of the few things that management agreed to. When you take a test you will not record your name but a special number. The people grading the test won't have access to your name.

Q. There was a time when the Patent Office prided itself on the uniqueness and the benefits to examiners of the classification system and now we don't have that. Are they going to outsource classification or go to some international system?

A. The classification system is virtually dead. Management has wiped out our capability to update the system. They talked for at least a year about contracting it out, but they haven't even put out a request for proposals. Management at the top is convinced that all you need to do is text search. The rumor is that the agency would like to adopt the European classification system and in essence terminate the U.S. system. Whether or not that will actually happen we don't know.

Q. Any projection of the attrition rate once the economy picks up as expected in 2004?

A. You know if you like it here or if you want to go for more money someplace else. We'll see what happens.

Q. What kind of notification of testing will we receive?

A. Management promised to give you approximately two weeks notice of any course. There are two kinds of tests. One is tests after training courses, and every employee should expect a test after every course. They're talking about substantive, patent law courses. The other kind of test is the certification test. And you have notice of that right now. They did promise as a result of our talks that they will give a 40-hour refresher course on the topics that will be covered in the certification exam. The only certification exam that they've tried out so far is an exam in which the questions were taken from the Patent bar exam. Those questions are on the PTO Internet Web site, under the Office of Enrollment and Discipline. Take a look—the questions use triple and quadruple negatives.

Q. How much time will be given for the certification exam?

A. It will be a three-hour exam. That's what they give the patent agents.

Q. With regard to identity theft, would you support having our Social Security numbers removed from our timesheets and just use our employee numbers? The timesheets are exposed to risks by being left around offices unguarded.

A. It's a good point and we will bring that up.

(continued on page 8)

Carlyle Move Highlights Poor Management Decisions

(continued from page 1)

Punching the Clock

Name a non-defense, non-national security federal agency other than the USPTO that requires employees to swipe their IDs on exiting through turnstiles. If you come up with one, let POPA know.

The USPTO has given no valid reason for reneging on its Day One Initiative and forcing employees to clock out by swiping their badges. The USPTO Day One Initiative of 2000 discontinued any requirement for employees to sign in or out at the security desk. The agency's given rationale for the ID clock-out feature was to identify employees remaining in the buildings after an evacuation. But because the clock-out system will be lifted during an emergency, which will eliminate the stop at security checkpoints, to find employees still in the building will be impossible. Therefore the agency's rationale is fallacious.

The overpriced monitoring system doesn't prevent thefts. Already Carlyle's Remsen Building and several Crystal City buildings have experienced a spate of purse thefts. The USPTO requires background checks only of its employees but not of the myriad contractors, cleaning personnel, delivery people and others who have building access.

The intense security scrutiny also is reserved only for employees entering as required through front doors. Non-employees, who may be carrying concealed weapons in toolboxes, for example, can pass through other entrances. Guards are not posted at all entrances. Without guards at all doors to confirm proper ID use, employees are more at personal risk of being attacked to have their badges stolen for illegal entry.

So why the clock-out function? The employees are still waiting for an answer. The only apparent use of the system is to track employees.

Inconsistent Security; Handicapped Concerns

While the USPTO employee entrance-and-exit monitoring is worthy of the FBI, the agency is enabling Oklahoma City-like terrorism by allowing the public to park directly adjacent to the building. At the same time, handicapped USPTO customers and employees must park in the garage approximately one-to-two blocks away and walk.

A reasonable solution to both concerns is to reserve the parking spaces next to the building entrances for handicapped employees. The remaining spaces around the buildings can also be designated for employees, helping to deter the use of car bombs.

The USPTO appears to have neglected handicapped employees in the planning of Carlyle. The distances employees must travel to get food from the carry-out and store hamper disabled employees at break times. The agency possibly could ameliorate this and the problem of remote handicapped parking spaces by using electric carts to transport employees throughout the campus.

A Good Place for Lunch? Your Desk.

Virtually no sit-down lunch facilities are available currently at Carlyle. The single cafeteria planned for the Madison Building is not scheduled to open until November. One carry-out with two small tables and a store with candy, snacks and beverages are the only food vendors. The carry-out, mislabeled a "café," has no kitchen—no food is prepared on site, only assembled and/or reheated. The carry-out closes at 3 p.m., the store closes at 5 p.m., and both close on weekends. The two "pantries" on each buildings' floors—which are

(continued on page 5)

Carlyle Move Highlights Poor Management Decisions

(continued from page 4)

like a one-sided galley kitchen—contain refrigerators, microwave ovens and a sink. Employees' sole option is to eat at their desks.

Employees were told not to bring microwave ovens to their offices to limit food smells throughout the building. Yet with no place to eat other than their offices, employees heat their food in the pantries and carry steaming containers sometimes more than 100 feet to their desks. The inevitable spills will soon dirty the carpets, possibly burn employees, and spread food smells everywhere.

The idea of going off-campus and into surrounding Alexandria areas for lunch is negated by the too-far distance to travel. It's not the 5-10 minute walk to a restaurant or the cold weather deterring employees—it's the omnipresent time-clock function of swiping ID badges upon exit. During discussions prior to the move, the USPTO assured employees that they would not have to use mid-day flex time to eat lunch. The agency broke its word.

Alexandria businesses will not prosper from the thousands of new people in their midst as long as employees believe that USPTO could use the time-card function against them.

Poor Move Management

The USPTO did not adequately prepare its employees for the move to their new workplace. The physical relocation and management instructions about the new work environment were not handled professionally or acceptably.

Many employees found inadequate boxes, tape, and labels to go around. The movers demolished a fair amount of the furniture and provided unasked-for substitutes that didn't fit. Much furniture that remained whole, including fine wood furniture belonging to managers, ended up scratched and dented.

The USPTO responded that it had ordered more than enough supplies and blamed "a distribution system that was dysfunctional during the holiday season" for the problem. However, weeks after the holidays, employees preparing for their February move complained that the shortages continued.

Once employees had settled into their new digs, management did not tell them how the buildings functioned. Employees working on weekends were clueless about how to get into the parking garage, enter the building, operate the elevators and even turn on the hall lights. They wasted time on trial-and-error and when that would fail, hunting down someone to help. A simple hand-out instruction sheet, included in the employee building orientation packet, would solve these dilemmas.

Safer Walkways Needed

Though employees appreciate walking to and from the garage via the temporary covered (though cold) walkway, they do not feel safe walking there after dark. The walkway zigzags, creating several blind spots. Upon POPA's urging, USPTO installed mirrors at the corners so walkers can see others approaching. Also helpful would be to install a couple of security call-boxes similar to those now in the garage.

These ideas were communicated to USPTO management. The responding senior manager agreed that walking that passageway at night "is very scary." She noted that when she next found herself in that situation, she asked the security desk to call the roving guard, who walked her to the garage. However, when regular employees—who are not senior USPTO managers—asked security for an escort, the guards refused. A two-tiered security system is unacceptable.

Better Shuttle Drivers Needed

Several reported negative experiences with the shuttle between the King Street Metro and Carlyle indicate that the service needs greater supervision—or better drivers—to actually be of any service to employees. One employee's reported morning experience at the Metro station illustrates the problem:

> After knocking several times, the driver finally opened the door. When I took a step up to board the bus she yelled at me, "Get off, now everyone is running to the bus thinking I'm leaving! I am not ready yet!" (She was eating and drinking coffee.) It was really cold and I asked if I could just sit on the bus. She said no, that she would be leaving in about 5 minutes, and made me get off the bus and quickly closed the doors. I decided to walk to the office. So much for "convenience."

No ATMs or Mailboxes

The Patent and Trademark Federal Credit Union stated that it had opted to place an automated teller machine (ATM) in the Remsen Building with a operational target date of Jan. 23, 2004. That date has come and gone and, at press time, the ATM was still unavailable. Once it is online, it will have a withdrawal-only option because the credit union reported that the cost of having deposits delivered daily by an armored car was too expensive. In the near future it hopes to have a representative at the Remsen Building once or twice a week to open new accounts and accept deposits. Mailing deposits directly to the credit union is also an alternative for employees.

Similarly, at press time, not one U.S. Postal Service mailbox was available at the Carlyle campus. POPA will be contacting the USPS postmaster about this concern.

Additional Fixes Needed

■ While the new Carlyle phone system has lots of spiffy features, employees need more training on how to use them. Longer phone cords would also make multi-tasking easier.

■ Much of the common area, such as corridors, lacks any color or decoration, creating a sterile, institutional environment that, along with the overzealous monitoring,

(continued on page 8)

The Japan Patent Office's 20-Year Experience with Outsourcing Searches

The Japan Patent Office (JPO) has been outsourcing some of its prior art searching for nearly 20 years. It recently found the need to switch to "interactive" searches that "will contribute to increasing efficiency in examination procedures," according to the JPO 2002 Annual Report. In interactive searches, JPO examiners interview the non-JPO searchers to learn more about the search reports. Using this more efficient interactive outsourcing model in the United States would dramatically increase the costs for searching.

The JPO began contracting prior art searches on a trial basis in 1985 by establishing the Industrial Property Cooperation Center (IPCC), a quasi-governmental foundation that uses about 1,200 patent-searching personnel who are detailed to the organization by their original, private-sector employers. They come from any of about 200 corporations that routinely apply for JPO patents, and all IPCC searchers must have experience in a management position at their originating company.

Since its inception, the IPCC has increased the number and percentage of total searches that it conducts for the JPO. In 1989, IPCC conducted 10,000 of 200,000 total searches. In 2002, IPCC performed 140,000 of 250,000 total searches. It currently classifies all of the applications.

When corporations send searchers to work for the IPCC, the searcher is expected to stay with the IPCC until the retirement age established by the originating corporation, without returning to the corporation. However, if the searcher doesn't work out at the IPCC, he or she can return to work for the original company employer. The IPCC also can directly contract with an employee that retires from the original corporation.

Even while the searcher is working for the IPCC, the original company continues to compensate the searcher. The IPCC pays the company a fee (6 million yen, which equals approximately $55,000) that serves partially as salary, but the company provides very generous and substantial additional compensation in the form of transportation and living allowances, plus any salary beyond the 6 million yen.

The IPCC believes it has instituted adequate safeguards to protect against conflicts of interest among its searchers. The searcher may not review or search any patent applications from his or her original employer. Any visit or meeting between the IPCC searcher and an employee of the former employer must be documented to the IPCC in writing. Also, the searcher's personal computer can only access the JPO and IPCC internal network.

A big difference between the JPO and the USPTO is that the IPCC only searches published applications. The USPTO searches earlier, usually within 12-14 months, to allow the applicant the choice to abandon prior to publication. In general, applicants to the JPO do not get an official search report prior to publication.

As reported above, the JPO annual report for 2002 states that the organization is shifting emphasis to expand interactive searches so that "search contracts will contribute to increasing efficiency in examination procedures."

Formerly the JPO and IPCC exclusively used "supply-type" search contracts, in which the searcher supplies only a written report of the prior art search results to the examiner. In the "interactive-type"search, the searcher reports the prior art search results to the examiner in a personal interview and after submitting a written search report. The examiner then asks questions about the report and directly gives instructions to the searcher regarding additional searching, according to the JPO 2002 Annual Report.

The JPO Annual Report did not explain how the organization determines the quality of the outsourced search reports.

2003 POPA Cash Flow and 2004 Budget

	2003 Actual	2004 Budget
Income		
Dues	$200,227.71	$201,500
Interest	$ 1,665.88	$2,500
Total Income	**$201,893.59**	**$204,000**
Expenses		
Litigation and Lobbying	$138,642.92	$120,000
Newsletter	$ 21,974.67	$ 30,000
National Activities	$ 7,512.53	$ 11,000
Legal Info. Resources	$ 7,460.04	$ 8,000
Elections*	$ 0	$ 3,000
Administrative	$ 9,786.07	$ 11,500
Membership Services	$ 10,899.61	$ 12,000
Membership Meetings	$ 3,959.15	$ 5,000
Capital Expenditures	$ 1,000.00	$ 6,000
Total Expenditures	$201,234.99	$206,500
Net Addition to Reserve	**$ 658.60**	**$ –2,500**

Notes

* Election expenses are incurred only in even numbered years.

National Activities: Membership dues and conference fees for national organizations such as Public Employees Roundtable, the Society of Federal Labor and Employee Relations Professionals, and the Fund to Assure an Independent Retirement.

Administrative: Includes expenses for accounting, secretarial, postage, office supplies, insurance, equipment, software, service charges and miscellaneous.

Membership: Membership incentives, including purchases of *The Federal Personnel Guide* for current and anticipated new members, and participation in Community Day.

POPA Awards Members for Service

POPA recognized several members who contributed greatly to the union's successes in 2003 at the POPA Annual Meeting in December.

Outstanding Service Award

Howard Locker. Howard's skilled litigation in a complicated arbitration overturned the unjustified removal of an employee, effecting a reinstatement with backpay. He put in many hours helping others in arbitrations and has become a talented and aggressive defender of patent professionals' rights.

Distinguished Service Award

Pamela Schwartz is POPA's unfair labor practice director and this year had her hands full prosecuting many ULP charges against the agency. Her legal expertise and dedication aided many of her fellow patent professionals.

Melanie Tung is Pam's right-hand woman in handling the increasing ULP work load. Melanie, too, is an attorney and an excellent brief writer who has a knack for working independently and getting the job done, no matter how difficult. She and Pam also serve on negotiating teams.

Robert Budens and Mark Tremblay lent their extensive technical expertise to POPA by representing employees in negotiations with the USPTO over automation issues. They also served on POPA's Legislative Team, for which they compiled persuasive issue papers for delivery to members of Congress and visited Capitol Hill offices to discuss issues important to patent professionals.

Volunteer Service Award

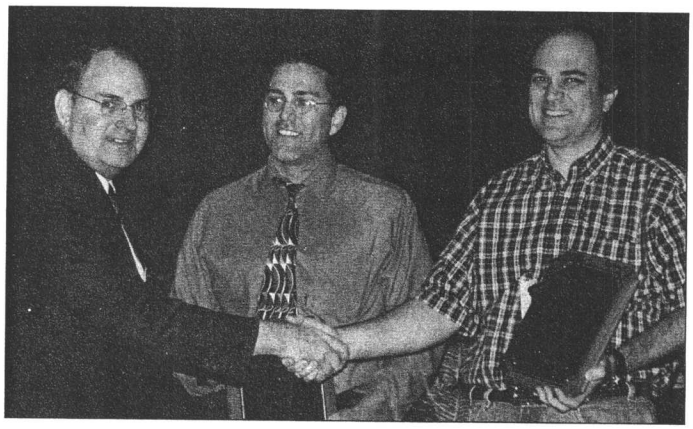
Dr. Larry Tarazano has been an important member of the Carlyle move negotiating team and has carried out several assignments this past year connected with these negotiations. He has also volunteered to make sure that important information is distributed to bargaining unit members in his building.

Caron Veynar is one of our newer delegates. She organized and oversaw the union's participation in the 2003 Community Day and organized informational meetings with members of the CIO branch of the bargaining unit.

Grievance Director's Award

William Luther and David Robertson are important cogs in the POPA grievance operation and, along with Ray Johnson and others, provide Grievance Director Larry Oresky with a formidable arsenal of grievance representatives to do battle with an ever increasing number of grievances and newly hired human resources personnel. Bill attended the POPA winning arbitration, wrote formal grievances, and handled most of the POPA Freedom of Information Act (FOIA) requests and is becoming proficient in FOIA law. Dave can handle some of the toughest cases and can ably do the detailed research.

POPA's Distinguished Service Award winners at the union's 2003 Annual Meeting. (L to R) Pamela Schwartz, Robert Budens, Mark Tremblay. Not pictured: Melanie Tung.



(L to R) POPA Vice President Larry Oresky congratulates William Luther and David Robertson as they receive POPA's Grievance Director's Award.

POPA President Ronald Stern presents the Volunteer Service Award to Caron Veynar.

Membership Has Its Perks

POPA members who have authorized dues-withholding or have paid their current POPA dues in full may pick up their complimentary copy of the Federal Personnel Guide. Please contact your local POPA delegate for details.

Conyers-Kaptur Amendment

(continued from page 1)

further congressional approval. The administration has estimated that it will need to increase those search fees to a level in excess of the total current filing fee by FY 2008. This amendment would maintain congressional control over future increases in USPTO fees.

The proposed sections that provide separate search and examination fees would also allow outsourcing of the search function to private interests and foreign entities. When federal employees perform all examination functions, existing statutes that ensure no of conflicts of interest and provide an established enforcement structure protect the public. The proposed provisions to establish the new search system fail to include explicit protections against conflict of interest. They create uncertainty over how ethical issues will be addressed and the effectiveness of any new system overseeing contractors.

POPA applauds Reps. Conyers and Kaptur for their support of the patent system.

Questions Answered at POPA Meeting with Employees

(continued from page 3)

Q. In TC 1700, PCT cases with foreign search reports have their 408s and 409s written by paralegals. Do applicants know that their cases are being examined by people with high school educations, and do they care?

A. We don't know to what extent that the agency is admitting publicly that our search reports are being prepared by paralegals. The agency maintains that those paralegals are basing their reports on what was done by the examiner. I don't know if applicants care about that. To the best of my knowledge, paralegals have not handled 408s and 409s, which are preliminary examination reports. We'll publicize that to make sure that applicants know that they're not necessarily getting what they're paying for.

Q. How much of a cost-of-living pay increase will the PTO get? Will we get 2 percent or 4.1 percent?

A. You're almost certain not to get the 4.1 percent that applies throughout the federal government. Under the proposed omnibus bill, the proposals were 2.7 percent for national and 1.4 percent for the locality raise. Assuming that passes, our experience says that the 2.7 percent will be tacked onto our special pay rates. You won't see the 1.4 percent locality increase. The 2 percent figure comes from what the president had proposed this summer as an alternative pay plan. If there is no overriding legislation by Congress in December, all you'll see in January is that 2 percent. You could get the .7 percent retroactively once the appropriations bill for 2004 is actually passed.

The agency has refused for two years in a row to apply for an increase in our special pay rate and we're expecting them to refuse again. We have filed a grievance saying that under our agreement we are entitled to alternative compensation. It should go to hearing in the next three months. The unfortunate part about enforcing contracts is that it's slow. By simply not responding management can delay things, and that's what happened in this case.

Q. Any clue when those of us meeting the requirements for GS-13 after March 1 will be able to take this certification exam?

A. The purpose of these exams was not to delay promotions. If you're now eligible for promotion, that the agency is not ready with the exam should not be a basis for delaying promotions. That's what the agency promised during negotiations.

Carlyle Move Highlights Poor Management Decisions

(continued from page 5)

many employees have likened to a prison. If the USPTO doesn't add artwork or color to the walls, the employees should be allowed to hang decorations in the hallways near their offices.

- More non-examining time is needed when employees' newly moved computers cannot access the USPTO Intranet or the Internet, which is happening frequently.
- Basic supplies, such as paper towels and dishwashing detergent, are needed in the pantries. Currently employees take up a collection among themselves to purchase the supplies, which are a necessity for basic, daily cleanliness.

JOIN POPA

Patent Office Professional Association

Letters from readers are welcome. Address to:
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