

Office of General Counsel (OGC) Telework Program,  
a Memorandum of Understanding

March 25, 2022

The parties to this Memorandum of Understanding (MOU), the National Treasury Employees Union Chapter 243 (NTEU 243), the Patent Office Professional Association (POPA), and the United States Patent and Trademark Office (USPTO or Agency), agree to this MOU covering the terms and implementation of a telework program for the Office of General Counsel (OGC). The parties have worked collaboratively to develop the terms of the program, which are attached to this MOU as Appendix A (the Program) along with a list of bargaining unit position eligibility as Appendix B. This MOU covers bargaining unit members from both NTEU 243 and POPA working in OGC. This agreement supersedes any other telework agreements covering OGC bargaining unit employees. In addition, the parties agree as follows:

- 1. Meeting of Bargaining Obligations:** NTEU 243 and POPA acknowledge that the Agency has met its notice and bargaining obligations regarding the implementation of the Program.
- 2. Implementation of Program:** The Program will begin implementation during the notice period provided to employees regarding the reopening of the Alexandria Headquarters of the USPTO. Employees who have completed all of the actions necessary to participate in the program during that period will begin their new telework arrangement once the Office is no longer on maximum telework.
- 3. Reviewing Positions for Eligibility:** No later than May of each year OGC will notify NTEU 243 and POPA of all bargaining unit positions it has identified as eligible for telework, the number of days per week each position is eligible to telework, and whether a position eligible to telework five days per week is also eligible for TEAP. OGC will meet with NTEU 243 and POPA to discuss these determinations, including any positions OGC has identified as ineligible for telework and the reason(s) therefore. OGC will publish individual position eligibility lists after discussing eligibility determinations with the Unions.

**4. Future Discussions and Cooperation:**

- a. The parties agree that they will meet periodically at the request of any party to discuss proposed changes to the Program. The party wishing to propose a change in the Program will contact the other parties to set up a meeting to discuss the topic. The parties will agree to further meetings as long as resolution of any issue(s) remain a possibility through informal and collaborative efforts.
- b. Changes agreed upon by the parties will be implemented as soon as practicable and reasonable notice will be given to the impacted participants.
- c. If agreement is not reached informally pursuant to the provisions above, any party may reopen this agreement after one year from implementation, by giving notice to the other parties of their request to renegotiate.

**Signatures**

For the USPTO

For the Unions

Users, Otto, John

Digitally signed by Users, Otto,  
John  
Date: 2022.03.25 21:15:42 -04'00'

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Chief of Staff  
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\_\_\_\_\_  
Date

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*3-25-2022*  
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*3/25/2022*  
\_\_\_\_\_  
Date

Appendix A to the OGC Telework Program MOU

# **Office of the General Counsel**

## **Telework Program**

**March 2022**

# OGC TELEWORK PROGRAM

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## I. Provisions Applicable to all Telework Participants

### A. Introduction

1. **Program Overview.** The OGC Telework Program (Program) allows eligible employees to perform assigned duties at an approved telework location, including their home. The Program is designed to deliver on the missions of OGC and its customers while providing employees with workplace flexibility. The Program includes three telework options: situational, routine, and remote. Participation in the Program is voluntary and does not change the conditions of employment except as specified in these provisions.

[Section I](#) of this document is applicable to all Program participants (participants). [Section II](#) outlines additional provisions applicable to participants who elect situational telework. [Section III](#) outlines additional provisions applicable to participants who elect routine telework for one to five days per week, including participants who encumber positions eligible for remote telework and voluntarily elect routine telework. [Section IV](#) outlines additional provisions applicable to participants who elect remote telework. [Section V](#) outlines provisions for a temporary medical exception to leverage telework options for which their position is otherwise not eligible.

2. **Definitions.** The following definitions are used for the purposes of the Program:
  - a. **USPTO office** is defined as the USPTO headquarters in Alexandria, VA, unless otherwise designated as another location.
  - b. **Official duty station** is the city/town and state in which an employee's official worksite is located. For purposes of this program, the official duty station will always be in the United States (currently defined as the 50 United States, the District of Columbia, and Puerto Rico). An employee's official duty station is the location that is documented on the most recent SF-50, *Notification of Personnel Action*.
  - c. **Official worksite** is the location where an employee regularly performs their assigned duties. This may be a USPTO office or a primary alternate worksite<sup>1</sup>.
  - d. **Alternate worksite** is an approved telework location. Approval must be received in advance of teleworking from an alternate worksite. A teleworking employee may have both a **primary alternate worksite** (i.e., the principal telework location, likely an employee's home) and one or more **secondary alternate worksites** (e.g., a relative's

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<sup>1</sup> If an employee is required to report at least two times each bi-weekly pay period to the USPTO office, the USPTO office remains the official worksite, regardless of whether that is the location where the employee performs most of their work.

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home, or a vacation or second property). See [Section I.D.](#) for alternate worksite requirements.

- e. ***Situational telework*** is defined as performing assigned duties at an approved alternate worksite occasionally and on a case-by-case basis (i.e., the employee does not telework on an ongoing and regular telework schedule). Supervisory approval is required each time the employee teleworks. Situational telework may also be referred to as episodic, intermittent, or ad-hoc. A participant's official worksite, and therefore official duty station, will remain as the USPTO office. See [Section II](#) for situational telework provisions.
- f. ***Routine telework*** is defined as performing assigned duties at an approved alternate worksite on an approved ongoing and regular telework schedule. The participant routinely teleworks for one to five days per week and performs assigned duties at the USPTO office for four days to one (1) day<sup>2</sup> per week. The participant works at both the alternate worksite and at the USPTO office during each bi-week. The number of days eligible for telework are determined assuming a five-day workweek. This does not preclude an employee from using work schedule flexibilities to work less than the number of days eligible for telework at the approved alternate worksite, so long as the participant is working at the USPTO office in accordance with the expected number of days defined in the position eligibility. A participant's official worksite, and therefore official duty station, will remain as the USPTO office. See [Section III](#) for routine telework provisions.
- g. ***Remote telework*** is defined as performing assigned duties at an approved alternate worksite for five days per week (e.g. all hours in a bi-week) without a requirement to routinely report to the USPTO office. A remote telework participant decides, for their convenience, to change their official duty station (and therefore official worksite) from the USPTO office to the city/town and state of their primary alternate worksite (e.g., the participant's home) thereby eliminating the need to report to the office on a bi-weekly basis.<sup>3</sup> See [Section IV](#) for remote telework provisions.
- h. ***Telework Enhancement Act Program (TEAP)*** is a remote telework option that allows participants who live greater than 50 miles from the USPTO office to decide, for their convenience, to change their official duty station from the USPTO office to the city/town and state of their approved telework location (e.g., the participant's home). The participant must travel to the USPTO office for a minimal number of mandatory

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<sup>2</sup> If an employee is required to report at least two times each bi-weekly pay period to the USPTO office, the reporting requirement is met by working in the USPTO office for a minimum of 15 minutes per week.

<sup>3</sup> If an employee teleworks five days per week and maintains the USPTO office as their official duty station, they are participating in routine telework and must report to the USPTO office at least two times per bi-week. [See [Section III.A.2.](#)]

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trips when directed by the USPTO. When enrolled in TEAP, the participant waives their right to travel expenses for the minimal number of mandatory trips to the office (5 U.S.C. § 5711(f); 5 U.S.C. § 5711(g)). See [Section IV.C.](#) for additional details.

## B. Eligibility

1. **Activities Not Suitable for Telework.** Positions generally eligible for telework are those positions with a sufficient volume of tasks that are suitable to be performed at an alternate worksite. Examples of the type of work that cannot be performed at an alternate worksite and will therefore limit the number of days a position is eligible for telework are:
  - a. Activities that require physical face-to-face personal contacts;
  - b. Activities that are restricted to a certain location;
  - c. Intake or distribution of postal mail or otherwise working with paper-based documentation not maintained in electronic format that are not portable and must not be duplicated;
  - d. Hands-on contact with machinery, equipment, vehicles, or files; or
  - e. Direct handling of classified or other secure materials that are not appropriate to access remotely.
2. **Position Eligibility.** The number of days a position is eligible to telework will be determined by evaluating the daily volume of tasks that are suitable to be performed at an alternate worksite and the daily volume of tasks that must be performed at the USPTO office. There are nine possible outcomes for each position's eligibility determination, based on a five-day workweek:
  - a. Not eligible for telework: the position's duties can only effectively be performed at the USPTO office.
  - b. Situational Telework: the position's duties are typically only able to be effectively performed at the USPTO office, but occasionally the employee's duties and the USPTO's needs are capable of being modified on a case-by-case basis to support non-routine performances of duties at an approved alternate worksite.

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c. Routine Telework:

- i. *1 day per week:* the position's duties, and the USPTO's needs, are suitable for allowing 1 day per week of routine telework. Employees in the position are expected to work at the USPTO office at least 4 days per week.
- ii. *2 days per week:* the position's duties, and USPTO's needs, are suitable for allowing 2 days per week of routine telework. Employees in the position are expected to work at the USPTO office at least 3 days per week.
- iii. *3 days per week:* the position's duties, and the USPTO's needs, are suitable for allowing 3 days per week of routine telework. Employees in the position are expected to work at the USPTO office at least 2 days per week.
- iv. *4 days per week:* the position's duties, and USPTO's needs, are suitable for allowing 4 days per week of routine telework. Employees in the position are expected to work at the USPTO office at least 1 day per week.
- v. *5 days per week:* the position's duties, and the USPTO's needs, are suitable for allowing 5 days per week of routine telework. If an employee chooses this telework option they maintain the USPTO office as their official duty station and they must report to the USPTO office at least two times per bi-week for 15 minutes for each occurrence to meet the recurring reporting requirement. This option is sometimes referred to as hoteling. [See [Section III.C.](#)]

d. Remote Telework:

- i. *50-Mile Program (5 days per week):* the position's duties, and the USPTO's needs, are suitable for allowing 5 days per week of remote telework<sup>4</sup>. If an employee who lives within 50-miles of the USPTO office chooses this option, their approved alternate worksite becomes their official duty station and they are not required to report to the USPTO office on a regular basis.
- ii. *TEAP (5 days per week):* the position's duties, and USPTO's needs, are suitable for allowing 5 days per week of remote telework at an alternate worksite greater than 50 miles from the USPTO office. Assigned duties can be performed at the alternate worksite in all but a few instances per year with sufficient notice given to the participant to return to the USPTO office.

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<sup>4</sup> If an employee teleworks five days per week and maintains the USPTO office as their official duty station, they are not participating in 50mi or TEAP and are participating in routine telework and must report to the USPTO office at least two times per bi-week to meet the recurring reporting requirement. [See [Section III.C.1.](#)]

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3. **Review Positions for Eligibility.** Annually, OGC will review positions to determine the number of days each position is eligible for telework. In addition, each position eligible to telework five days per week will be evaluated for TEAP eligibility. A position eligible for TEAP is one that the position's duties, and USPTO's needs, are not expected to require the participant to report to the office for extended or multiple periods of time (e.g., no more than three times per year). Once a bargaining unit position is deemed eligible for TEAP, the TEAP eligibility will not be removed if a participant occupying the position is enrolled in TEAP.
4. **Individual Eligibility.** Employees in a position deemed telework eligible are eligible to telework after they satisfy the minimum requirements outlined in the provisions of the Program [See requirements at [1.C.2.](#)] and they meet the statutory eligibility requirements [See Section [1.B.5.](#)]. The number of days a position is deemed eligible for telework will decree the maximum number of days an employee is eligible to telework.
5. **Statutory Eligibility<sup>5</sup>.** An employee is not eligible to participate in the Program if they: 1) have been officially disciplined for being absent without permission (i.e., absent without leave (AWOL)) for more than five days in any calendar year, or 2) have been officially disciplined for violations of subpart G of the [Standard of Ethical Conduct of Employees of the Executive Branch](#) for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.
6. **Position Changes.** Employees joining OGC from another USPTO position will be required to apply for participation in the Program, subject to their new position's eligibility determination. Employees moving from one position to another within either OGC are not required to reapply to the Program, but may be required to adjust their selected telework option and/or telework days based on their new position's eligibility and/or OGC's needs, as the case may be. The employee must discuss their schedule, the assigned duties to be performed at the alternate worksite, duty station and reporting requirements, and agreed-upon methods for communication and collaboration with their new position's supervisor.

## C. Application

1. **Request.** An employee may participate in the Program to the maximum extent permitted by their position eligibility, or participate less than the maximum permissible, if applicable. (E.g., an employee in a position eligible for four days of telework per week may elect to

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<sup>5</sup> Telework Enhancement Act of 2010, as amended, 5 U.S.C § 6502(a)(2) (2016).

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participate on a four day per week basis, a fewer number of days per week, or not to telework at all.)

As described in [I.C.2](#), below, employees wishing to participate in the Program will submit a request through the USPTO's [Enterprise Telework Information System \(ETIS\)](#), specifying the program option and number of days per week they wish to telework, as follows:

- a. *Situational*. As described in [Section II](#), participants in this telework option generally report to the USPTO office five days per week, but are authorized to occasionally telework, up to the maximum number of days per week for which their position is eligible, as the employees' duties and/or circumstances make desirable.
- b. *Routine: one day per week*. As described in [Section III.B.](#), participants in this option report to the USPTO office four days per week. When at the USPTO office, a one day per week participant will maintain their status quo office.
- c. *Routine: two days per week*. As described in [Section III.B.](#), participants in this option report to the USPTO office three days per week. When at the USPTO office, a two day per week participant will maintain their status quo office.
- d. *Routine: three days per week*. As described in [Section III.B.](#), participants in this option report to the USPTO office two days per week. When at the USPTO office, a three day per week participant will share an office with another employee.
- e. *Routine: four days per week*. As described in [Section III.B.](#), participants in this option report to the USPTO office one day per week. When at the USPTO office, a four day per week participant will share an office with another employee.
- f. *Five days per week*. If electing to telework five days per week, a participant is presented with three five day per week program options. One option is routine telework and the other two are remote telework, as follows:
  - i. *Routine: Hoteling*. As described in [Section III.C.](#), participants in this option report to the USPTO office at least two times per bi-week for a minimum of 15 minutes at each occurrence on a schedule of their choosing. Participants will relinquish their USPTO designated office and, when at the USPTO office to meet the minimum reporting requirement, a five day per week routine telework participant will use temporary or "hoteling" office space.
  - ii. *Remote: 50-Mile*. As described in [Section IV.B.](#), participants in this option elect to designate their approved alternate worksite within 50 miles of the USPTO office as their official worksite and official duty station. The participant has no routine

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reporting requirement to the USPTO office. The participant will relinquish their USPTO designated office and, when occasionally at the USPTO office, a remote telework participant will use temporary or “hoteling” office space.

- iii. *Remote: TEAP.* As described in [Section IV.C.](#), participants in this option elect to designate their approved alternate worksite greater than 50 miles from the USPTO office as the participant’s official worksite and official duty station. The participant has no routine reporting requirement to the USPTO office, but is responsible for paying for certain mandatory trips to the office as set forth in [Section IV.C.](#) The participant will relinquish their USPTO designated office and, when occasionally at the USPTO office, a remote telework participant will use temporary or “hoteling” office space.

2. **Requirements.** All employees who wish to participate in the Program must meet or complete the following requirements. Additional information about each item is located at the referenced section of this document.

- a. Be in an eligible position. [See [Section I.B.](#)]
- b. Read the Program Guidelines (this document).
- c. Hold a conversation with your immediate supervisor to discuss:
  - i. The desired telework program option and schedule based on position eligibility. [See Sections [I.B.](#), [I.C.1.](#) [I.G.](#), and [III.B.1.](#)]
  - ii. The assigned duties to be performed at the alternate worksite(s), [See Sections [I.B.](#), [III.A.](#), and [III.B.](#)]
  - iii. OGC work schedule operating parameters, including agreed-upon methods for communication and collaboration. [See Sections [I.E.3.](#), [I.F.](#), and [I.G.1.](#)]
  - iv. Worksites, including the primary alternate worksite, the official worksite, and whether there will be more than one alternate worksite. [See [Section I.D.](#)]
  - v. If teleworking three or four days per week, which requires a participant to share an office, discuss office move and sharing logistics to execute the move. [See [Section III.B.3.](#)]
  - vi. If teleworking five days per week, which requires a participant to relinquish their office, discuss the process for moving out of their office and reserving a hoteling room. [See Sections [III.C.2.](#) and [IV.A.3.](#)]

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- d. Review the alternate worksite(s) safety and security guidelines located on the USPTO Telework Resources website. [See Sections [I.D.5.](#) and [I.D.6.](#) and [Appendix A.](#)]
  - e. Secure approved internet service. [See [Section I.E.2.](#)]
  - f. Complete USPTO Teleworker Training: Telework Effectiveness and submit your certificate to your supervisor and the Business Unit Telework Coordinator. [See [Section I.C.5.](#)]
  - g. Submit an application for telework through the [ETIS](#).
    - i. If on-boarding as a new employee with the USPTO, complete a temporary telework agreement before teleworking [See [Appendix B.](#)]. New employee information is loaded into the ETIS approximately three weeks after an employee's start date. The temporary agreement must be replaced by a permanent application and agreement through the [ETIS](#) within two months after the employee's start date.
  - h. Request and receive applicable telework equipment. The universal laptop and SecurID are the minimum equipment required to begin teleworking. [See Sections [I.C.5.](#) and [I.E.1.](#)]
  - i. If applying for a remote telework option, work with your supervisor to obtain approval and complete the Office of Human Resources (OHR) procedures to change your official duty station. [See [Section IV.](#)]
  - j. If applying to telework five days per week and not changing your duty station from the USPTO office, discuss the recurring reporting requirement with your immediate supervisor. [See [Section III.C.1.](#)]
3. **Approval.**
- a. Decisions to grant or deny telework requests will be made by the participant's immediate supervisor based on whether the position is eligible, whether the employee meets the requirements to participate in the Program [See [Section I.C.2.](#)], and whether the employee's request is otherwise consistent with the Program. The maximum number of days per week an employee may participate will be based on the number of days the position is eligible for telework.
  - b. Decisions on requests to grant or deny a telework request will be made promptly using the [ETIS](#), generally within one week of submission of the request. Decisions to grant will include the number of days the employee is permitted to telework per week.

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Decisions to deny will include the reason for denial. An employee may appeal a decision to deny to the second level supervisor with a copy to the Business Unit Telework Coordinator.

- c. Employees approved to telework who are not already teleworking or onboarding virtually will be authorized to begin telework the first full pay period after completing the required training and receiving the minimum amount of equipment to telework. The immediate supervisor may permit teleworking sooner at their discretion. Refer to [Section I.C.9](#) for additional guidance about modifications to telework program options.
4. **Telework Agreement.** All participants must have an approved telework agreement denoting the telework option selected and signed by the employee and supervisor to begin telework. The telework agreement will be completed when applying for telework through the [ETIS](#). Participants who opt for remote telework are required to change their duty station [See [Section IV](#)] and acknowledge that (a) they will not be reimbursed for travel between their alternate worksite and the USPTO office except as specified in [Section IV](#), and (b) a duty station change could impact pay and benefits.
5. **Equipment Deployment.** All participants must receive the minimum amount of equipment to perform official duties at the alternate worksite before teleworking. Follow the steps outlined below to request and receive your equipment. Participants will be provided with the minimum amount of equipment as soon as practicable after the approval of the telework request. [See [Section I.E.1](#).]
  - a. Contact the Telework Coordinator after completing [Section I.C.2 steps a. through g.](#)
  - b. The Telework Coordinator will send the employee a Telework Equipment Deployment spreadsheet template to finalize in accordance with the guidelines included in [Section I.E.1](#).
  - c. Deliver the completed spreadsheet to immediate supervisor for approval.
  - d. The supervisor will review the spreadsheet for compliance with equipment listed in [Section I.E.1](#) and submit it to the Telework Coordinator representing their approval.
  - e. The Telework Coordinator will request the equipment.
  - f. The employee will be notified when the equipment is ready to be delivered or retrieved from the [USPTO Telework Depot](#).
  - g. If on-boarding as a new employee with the USPTO virtually, before the on-board date the employee will be contacted by the OHR, the employee's supervisor, and/or the Telework Coordinator to arrange for equipment deployment. The Telework

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Coordinator will work with the employee's supervisor to define equipment needs and request equipment deployment.

- i. The USPTO, OCIO will ship equipment to the employee to be received at least two days prior to the start date.
  - ii. The USPTO, OCIO will also deliver the employee's network account information and SecurID or other means of alternate authentication prior to the start date.
6. **Training.** All participants teleworking for the first time must complete telework training before an employee is permitted to telework. If on-boarding as a new employee with the USPTO virtually, Training should be completed no later than two weeks after the employee's start date. The employee may contact the Telework Coordinator for assistance in locating the training. Managers should also complete [Manager Training: Telework Effectiveness](#). The Agency will ensure that such training is made available promptly to all participants whose requests to telework are approved.
7. **Telework Agreement Updates.** Participants will use the [ETIS](#) to update their telework agreement when participant telework information changes and annually for recertification, including that the participant reviewed the safety guidelines for alternate worksite(s). The Agency will remind all participants of the recertification requirement annually. The safety guidelines are posted on the [Telework Program Office](#) website and at [Appendix A](#). Participants are responsible for updating the [ETIS](#) and telework agreement to ensure the Program option and address(es) of the alternate worksite(s) are accurate at all times.
8. **Participant Telework Program Changes.** The participant's telework schedule should reflect the program option selected in ETIS and recorded on the telework agreement. If a participant is regularly teleworking or working in the office on a schedule different than the program option selected, the participant or the supervisor should initiate a conversation about modifying the telework program option selected in ETIS using the procedures outlined in [Section I.C.9.](#), below.
9. **Modifications.** Participants may permanently modify their telework program option by selecting telework program option and days up to the maximum number of days for which the position is eligible using the [ETIS](#). There are no advance notification requirements for participants whose positions are eligible to telework five days per week and who request to update their telework program option in a manner that does not impact office arrangements (e.g., changing from one day to two days per week telework or from five days per week with a reporting requirement to the 50-mile program).

Participants who encumber positions eligible to telework less than five days per week must discuss schedule changes with their supervisor if requesting to reduce the number of

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days working at the USPTO Office.

Otherwise, to allow for office arrangements, participants will notify their supervisor and the Telework Program coordinator via email at least two weeks in advance of modifying a telework program option from less than four days per week telework to five days per week telework or withdrawing from the program; and four weeks in advance of changing status from five days per week telework to less than four days per week telework. For exigent circumstances the Office will process employee requests in less than 4 weeks by providing hoteling or temporary office space to the employee until a permanent workspace can be arranged.

See [Section III.B.2](#) for guidance on temporary schedule changes.

## D. Worksites

1. **Locations.** Participants will designate a primary alternate worksite as the location where hours will be worked while not at the USPTO office. If a participant desires, they may designate an additional location as a secondary alternate worksite. All alternate worksites must be located in the fifty (50) states of the United States, the District of Columbia, or Puerto Rico. The designation of a participant's official worksite is dependent on the designation of a participant's official duty station, as follows:
  - a. A situational telework participant's official worksite is the USPTO office.
  - b. A routine telework participant's official worksite is the USPTO office.
  - c. A remote telework participant's (i.e., a 50-mile or TEAP option<sup>6</sup>) official worksite is their primary alternate worksite (home or other approved telework location) because the participant has changed their official duty station to the city/town and state of their primary alternate worksite.
2. **Alternate Worksites.** An alternate worksite may be the participant's home or other approved appropriate location. The participant must designate a room or location in their alternate worksite for placement and use of the equipment provided for the Program. Participants are responsible for purchasing and maintaining all office furniture at the alternate worksites.

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<sup>6</sup> A five day per week telework participant who chooses to maintain the USPTO office as their official duty station (i.e., non-50-mile and non-TEAP) is a routine telework participant. See [Section III.C.1](#) for requirements to report the USPTO office at least two times per bi-week.

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Participants are responsible for ensuring compliance with all local laws or rules governing an office in their home. Participants who are renters are responsible for ensuring that their lease allows the installation of all the necessary equipment and connection services (e.g., compliant internet service) for the Program.

Participants are responsible for any utility cost, cooling, heating, and lighting at the alternate worksites. Participants are responsible for any re-wiring, updating, and improvements necessary to bring the electrical connections in an alternate worksite up to the required standards.

3. **Working at a Secondary Alternate Worksite.** Secondary alternate worksites are subject to the rules outlined in [Section I.D.2.](#) above. Participants must request approval to work at a secondary alternate worksite through [ETIS](#) prior to working from that location.

Requests are not necessary for each use of a secondary alternate worksite once the secondary alternate worksite is approved through ETIS. However, the participant must communicate the routine and recurring schedule with their immediate supervisor.

The amount of time spent working at the secondary alternate worksite cannot exceed 6 months in any 12-month period otherwise the secondary alternate worksite should be changed to become the primary alternate worksite. Employees must track their time at alternate worksites; if the intended stay at any secondary alternate worksite exceeds 6 months in a 12-month period, then the participant must make an address change in [EPP](#). The participant's supervisor initiates a Personnel Action Request (PAR) to change the duty station in the designated USPTO human resources system. See [Section IV.A.2.](#) for additional guidance on changing your duty station.

A participant whose official worksite is at the USPTO office will generally not be permitted to work at a secondary alternate worksite that is outside of a 50-mile radius of their USPTO office for a full bi-week or more at a time, unless the participant reports to the USPTO office at least two times per bi-week [See [Section III.C.1.](#)], meets one of the exceptions in [5 C.F.R. § 531.605\(d\)\(2\)](#), or has been granted a temporary medical exception [See [Section V](#)].

4. **Transporting Equipment.** When a participant has been approved to work at a secondary alternate worksite they are responsible for safely and securely transporting equipment to and from the alternate worksites [See [Section I.E.7.](#)]. The participant is also responsible for determining the equipment necessary to successfully perform their official duties at the secondary alternate worksite. A participant will only be issued one set of telework equipment in accordance with the standards outlined in [Section I.E.1.](#)

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5. **Safety Guidelines.** All participants will review the alternate worksite(s) safety and security guidelines located on the USPTO Telework Resources intranet site. [See [Appendix A.](#)]
6. **Security.** All alternate worksites must meet security and privacy requirements, including those established and occasionally updated by OCIO regarding IT security [See [Section I.E.4.](#)]. Participants are not permitted to work in a public area, e.g., a coffee shop, an airport terminal, or outside in a park.
7. **Inspection.** The participant will permit other USPTO employees and contractors to access the alternate worksite during the hours from 9:00 AM to 5:00 PM, Monday-Friday (excluding holidays) upon two business days' notice to the participant. Accessing the alternate worksite will be for the purpose of installing, repairing, maintaining, or removing work equipment, software, or other USPTO property, to investigate an accident or a worker's compensation claim, or to investigate other work related or safety problems arising from the administration of the Program. The parties may mutually agree to a time outside of these hours.

## E. Equipment, Tools, and Supplies

1. **Standard Equipment.** Participants will be provided with a standard suite of IT equipment necessary to perform official assigned duties remotely at the primary alternate worksite as soon as practicable after the approval of the telework request. A participant may decline deployment of equipment if, after consultation with their supervisor, they deem the equipment is not necessary to productively perform official assigned duties at the primary alternate worksite (e.g., no printer, one monitor instead of two, etc.). Standard equipment includes the following:
  - a. 5 days per week: A universal laptop; docking station; two monitors; webcam; printer (provided the supervisor deems it necessary to perform assigned official duties); telephone headset; keyboard; mouse; SecurID (FOB) or other means of alternate authentication; fingerprint reader<sup>7</sup>; and other related peripherals.
  - b. 3 and 4 days per week. A universal laptop, docking station, two monitors, webcam, telephone headset, SecurID (FOB) or other means of alternate authentication, keyboard, mouse, and other related peripherals. A printer may be issued if the immediate supervisor deems it necessary to perform assigned official duties. Immediate supervisor approvals must be provided to the Telework Coordinator before printers will be deployed. If a participant is issued an approved printer to use at

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<sup>7</sup> Fingerprint readers will be provided to TEAP participants, only.

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the alternate worksite, the employee will relinquish their personal office printer and use a shared network printer.

- c. 2 days per week or less. A universal laptop, docking station, one monitor, webcam, telephone headset, SecurID (FOB) or other means of alternate authentication, keyboard, mouse, and other related peripherals.
- d. Situational telework. A universal laptop and SecurID (FOB) or other means of alternate authentication.

To ensure a seamless customer experience, participants are required to use USPTO assigned phone numbers for communication with colleagues and customers.

Necessary equipment will be provided to the participant as soon as practicable after the approval of the telework request. The universal laptop and SecureID (FOB), or other designated authentication technology, is the minimum equipment required to begin teleworking.

## 2. Internet Service.

- a. **Requirements.** All participants must have high-speed broadband internet service such as cable or fiber optic that meets [USPTO's virtual private network \(VPN\) connection requirements](#) at all alternate worksites. Wired connectivity is recommended. Employees may choose to work either wired or wirelessly, but must be able to connect with a wired connection as needed to improve connectivity or upon OCIO request (e.g., in responding to a service request or to facilitate updates).
- b. **Internet Service (IS) Reimbursement.** Given that participants who telework five days per week have relinquished their USPTO office, they are eligible for IS cost reimbursement at their approved alternate worksite(s) in accordance with the USPTO ISP Reimbursement Policy.

- 3. **Collaboration Tools.** Participants must use USPTO collaboration tools in accordance with the USPTO's [Time and Attendance Tools, Communication, and Collaboration \(TACC\) Policy](#), or any policy that supersedes it. Collaboration tools include, but are not limited to: instant messaging and chat; document/desktop sharing and whiteboard features; virtual meeting tools; video communication and conferencing equipment; and presence indicator. Employees will be required to use their video communication tools (i.e., camera) in accordance with POPA and NTEU 243 negotiated agreements for specific meetings and when their active participation during such meeting is required.

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4. **IT Security.** Participants are responsible for the security of Federal government property, information, and information systems at all alternate worksites. If not properly implemented, telework may introduce vulnerabilities into USPTO systems and networks. To prevent security incidents, participants are required to protect information and information systems commensurate with risk and complete the annual USPTO mandatory IT Security Awareness Training.

Information associated with official business should be stored in controlled, accessible, and safeguarded locations. Participants should store information in places that are adequately accessible to other colleagues (with a need to know) and backed up (e.g., shared drives, SharePoint) and refrain from desktop storage. Participants will not store USPTO information on personal devices or accounts.

The creation of paper copies containing sensitive information should be minimized to the greatest extent possible while teleworking. Most home or non-industrial shredders do not meet the General Services Administration's (GSA) approved cross-cut shredder requirement; therefore, these paper files must be stored in a locked drawer or room until participants can return to campus and utilize GSA-approved shredders. Please contact the USPTO Records Officers or CUI Managers if you have hard copies at your alternate worksite and are unable to adequately secure and store the documents until you can return to the USPTO. Please email [CUI@uspto.gov](mailto:CUI@uspto.gov) with any questions related to properly disposing of records.

- a. Care must be taken to ensure records subject to the [Privacy Act](#) (5 U.S.C. § 552a, Records Maintained on Individuals) and sensitive but non-classified data are not disclosed to anyone except those who have authorized access to perform their duties. Participants should refer to the [Rules of the Road](#).
- b. Participants are responsible for the security of all official information, protection of any government furnished equipment and property, and the execution of the mission of the USPTO at the alternate worksite(s) in accordance with existing USPTO and DOC policies.
- c. Any USPTO owned equipment is for official use only. Use of the equipment for private purposes is prohibited except as permitted by the USPTO [Rules of the Road](#). Family members and friends of Participants are not authorized to use any government furnished equipment.
- d. Participants are to comply with all security related USPTO policies including the USPTO [Rules of the Road](#). These policies may be found on the USPTO intranet website.

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5. **USPTO Equipment Failures.** Participants are to contact the USPTO Service Desk to report Agency-provided equipment or software failures or problems, including connecting via the VPN, as soon as they are discovered and follow the procedures provided by the Service Desk. In the event that VPN or Agency provided equipment problems (including USPTO power outages) prohibit working at an alternate worksite, the participant must notify their immediate supervisor. The participant may consult with their immediate supervisor to determine if there is non-equipment related work available at the alternate worksite and determine how to record time. See [Section I.G.7.](#) for guidance about non-weather related equipment failures at the alternate worksite(s) (e.g., participant power outages and interruptions in internet access) and [Section I.I.1](#) for weather related outages.
6. **Ownership and Maintenance.** USPTO maintains ownership and control of any and all equipment, software, other materials, and data provided to the participant by the agency. The USPTO acts as the insurer for damage, theft, or other loss (e.g., fire, flood, etc.) of the USPTO equipment and materials only. Equipment provided by the Agency will be serviced and maintained by the Agency.
7. **Safeguarding Assets.** All participants are responsible for reasonably safeguarding and protecting government issued equipment. The accountability and security of IT resources [See [Section I.E.4](#)] extends to your alternate worksite(s), residence, other approved telework location, and/or other areas in which you use, travel with, and store the equipment. When a participant chooses to work at a secondary alternate worksite they are responsible for safely and securely transporting equipment to and from the alternate worksites. Reasonable safeguards must be consistently exercised to ensure that government property is not vulnerable to any negligence or potential criminal activity. When a participant is assigned a piece of equipment, including the Universal Laptop, the participant is responsible for reasonable safeguards of its physical safety, as well as the data stored on it. Suggestions for safeguarding equipment and procedures for reporting lost, stolen, or damaged equipment are available on the [USPTO's Asset Management intranet page.](#)

Participants will provide property custodians with all information requested to inventory assets and will provide timely notice of equipment changes and issues.
8. **Returning Equipment.** Any equipment provided to the participant for use at the alternate worksite(s) should be returned to the Agency generally within five business days from the end of the participant's participation in the Program, unless exigent circumstances exist. Any equipment that was deployed to the participant and is not needed to perform official duties should be returned as soon as the participant deems the equipment as unnecessary.

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A participant returning equipment must notify the Telework Coordinator to facilitate the return.

The USPTO may require return or exchange of Agency provided equipment. Except for remote telework participants enrolled in TEAP, participants may be required to report to the USPTO office to receive equipment or to repair or exchange equipment.

9. **Supplies.** Participants enrolled in TEAP who have been issued a printer will use the [TEAP Operating Procedures](#) to request toner and paper required to carry out official assigned duties. Unless otherwise defined, TEAP participants are expected to pick up all other small office supplies while on a trip to the USPTO office.

Also, unless otherwise defined, all other telework participants may pick up small office supplies required to carry out their official assigned duties from the USPTO office and those who have been issued a printer may pick up paper and toner from the USPTO office.

- F. **Collaboration and Engagement.** Employee engagement is a priority for OGC and to facilitate collaboration and successful interactive relationships employees should leverage collaboration tools, such as video conferencing, instant messaging or chat tools, and other USPTO approved collaboration software to stay connected. Employees are permitted to upload a workplace appropriate picture of themselves in USPTO collaboration tools so that colleagues and customers can associate names and faces. Please see the [Time and Attendance Tools, Communication, and Collaboration \(TACC\) Policy](#) for further information.

## G. Schedules and Time and Attendance

1. **Work Schedules.** Employees teleworking five days per week must elect to work the Increased Flexitime Program (IFP) or Increased Flexitime Schedule (IFS) work schedules. See the [OGC Flexible Work Schedule Options](#) or applicable bargaining unit agreement.
2. **Timesheets.** Participants will use the "Telework Home" transaction code (or other designated method to report telework time) with the appropriate PPA codes to indicate in the time and attendance system which days were worked at the alternate worksite(s) and the number of hours worked at the USPTO office and alternate worksite(s) each day.
3. **Holidays.** Participants working at an alternate worksite will be granted the same holidays as employees at the USPTO office, unless otherwise determined by the Office of Personnel Management. Early dismissal of USPTO employees or closure of the USPTO office for non-emergency conditions, such as on the day prior to a Federal holiday, will be granted to participants working at an alternate worksite.

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4. **Overtime and Compensatory Time.** Overtime and compensatory time may be worked at an alternate worksite so long as the time has been approved by the participant's supervisor prior to working the additional hours.
5. **Leave.** All forms of approved leave, including compensatory time, may be used on days on which the participant is scheduled to work at the USPTO office or approved alternate worksite. Leave, however, may not be used on a regular basis to avoid working at the USPTO office on a non-telework day or to avoid meeting a routine telework participant's twice per bi-week reporting requirement [See [Section III.C.1.](#)].
6. **Multiple Locations in a Given Day.** A participant may work at the USPTO office and/or multiple alternate worksites on the same day. A participant who chooses to work at multiple locations on the same day must notify their immediate supervisor and comply with the requirements of the policy on communication and collaboration with respect to posting work hours (to include time zone, if outside of Eastern Time zone) regardless of where they work. Participants must mid-day flex (if on IFP/S) or take leave to accommodate travel time required for commuting to and from the various work sites. [See [Section III.B.](#) for routine telework schedule requirements.]
7. **Inability to Work at an Alternate worksite.** If an employee is prevented from working at an alternate worksite for reasons other than inclement weather (e.g., non-weather related power or internet outage at the alternate worksite or lack of dependent care), the participant must either (1) report to the USPTO office to perform official duties if not a TEAP participant, (2) obtain approval to work at a secondary alternate worksite, (3) if on IFP/S, change their work schedule by reducing the number of hours worked on that day, or (4) request appropriate leave, at the participant's option. If able to work, the participant may also consult with their immediate supervisor to determine if there is non-equipment related work available at the alternate worksite. The participant will not be reimbursed for any travel or related expenses for commuting between their alternate worksite(s) and the USPTO office and all trips will not be on duty time. See [Section I.E.5.](#) for guidance related to a USPTO equipment failure and [Section I.I.1.](#) for weather related conditions.

## H. In-person Events

1. **Virtual First.** When technology is available, and consistent with the purpose of the event, meetings will be held so that participants working remotely can participate fully via video conference.
2. **Mandatory Attendance.** Participants may be required to report to the USPTO office to address business needs and office coverage for non-portable work activities, attend training, meetings, or other individual, team-, Office-, or Business Unit-wide events.

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Participants will be given as much notice as possible of any meeting or activity that they must attend in person. Absent exigent circumstances, participants will not be required to report to the USPTO office on the same day that notice is provided to the participant and the USPTO will endeavor to meet the notification timelines outlined below.

- a. **Office coverage to address business needs or non-portable work activities:** Generally, for participants not enrolled in TEAP, notice to report to the USPTO office will not be less than two days.
- b. **Group meetings:** Group meetings are defined as team, organizational (e.g.: section, branch, division, office), or business unit-wide meetings, to include training. For these planned events, the Agency has a goal of 4 weeks' notice, but at least 3 weeks' notice will be provided prior to the date of the meeting or training. This provides notification in accordance with TEAP operating procedures to ensure TEAP participants have adequate time to plan for a mandatory employee-paid trip.

All decisions to hold mandatory, in-person meetings will be approved by either the General Counsel, OGC Chief of Staff, a Deputy General Counsel, or their delegate(s).

## I. Changes to Operating Status and Unscheduled Telework (e.g., Inclement Weather)

1. **Office Closures, Early Departures and Delayed Arrivals Due to Weather or Safety Events.** When a foreseeable weather or safety event causes the agency to close or authorize late arrival or early departure, any employee with a signed telework agreement (i.e., a Program participant) must be prepared to telework, flex around the full or partial closure, and/or take leave. Except as provided below, no employee with a signed telework agreement of any type (regular, situational, etc.) may receive Weather and Safety leave, regardless of whether the employee was scheduled to telework that day. In order to telework during a weather or safety event, participants must have their Universal Laptop at their alternate worksite. Unscheduled telework due to a closure, early dismissal, or delayed arrival due to weather or safety events will not count against the allowable telework days provided by this Program.

If weather related physical conditions affect the alternate worksite in a way that limits the employee's ability to perform their duties (e.g., power or internet outages at the participant's alternate worksite or the USPTO office), the employee may request Weather and Safety administrative leave or to work at a secondary alternate worksite. Participants may telework at an alternate worksite where there are dependents or others. However, for any time that the employee claims as work time, their attention must be oriented to work activities and not dependent care. If dependent care prohibits the ability to perform telework for some portion of the work day during an office closure, early dismissal or

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delayed arrival, an employee may use a combination of flex time and unscheduled leave, with supervisory approval, to meet any dependent care needs and still accomplish work. See [Section I.K.1](#) for additional information on dependent care.

Weather and Safety leave may be available to a Program participant if the participant was not prepared to telework at their approved alternate worksite because either (1) the weather or safety event that caused the agency to close or authorize late arrival or early departure was not foreseeable or (2) reasonable circumstances prevented the employee from preparing to telework (e.g., the participant had been on leave until the day of the weather event, and the participant was not able to obtain their laptop before the weather or safety event). Find additional information on weather and safety leave at [Leave Administration, Appendix A: Impact of Weather and Safety Events on the Alexandria Campus and Randolph Square Building](#).

2. **Unscheduled Leave or Unscheduled Telework.** In the event OPM or USPTO declares that Federal agencies are open for the entire day with the option for “unscheduled leave or unscheduled telework,” Program participants may report to the USPTO office, telework on a non-telework day (if consistent with the employee’s work obligations), take unscheduled annual leave, or use a combination of work and annual leave to account for all of the regularly scheduled hours of the workday. A decision to telework on a day in which unscheduled telework is allowed will not count against the allowable telework days provided by this Program.

## J. Performance Management.

Participants are expected to perform assigned duties and responsibilities at the alternate worksite. It is important that the alternate worksite be free from distractions that would impair a participant’s ability to perform official duties and provide the same time and level of attention to the work product as is available at the USPTO office. Participants will have their performance evaluated under the criteria set out in their performance appraisal plan. Situational and routine participants teleworking less than five days per week are in the best position to know whether they have sufficient work for a telework day. If the employee lacks sufficient work for a telework day, the employee should consult with the supervisor to see if there is additional work that can be done at the alternate worksite. If there is not enough work that can be done at the alternate worksite, the employee must work at the USPTO office or use leave to cover the hours for which there is no work. Participants shall provide details of work accomplished upon the request of their supervisor.

Participants who are on a Performance Improvement Plan (PIP) will not be required to change their telework arrangement due to the PIP. Whether the participant's official worksite is the USPTO office or an approved alternate worksite, a participant who is on a PIP will be required

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to commit to be available to receive assistance and training. The assistance may be provided at the USPTO office or virtually. The supervisor and the participant will attempt to find an agreeable time for the assistance to be provided, including providing reasonable notification in accordance with the intent of [Section I.H.2](#). The supervisor, however, retains the right to direct the participant to attend meetings or training at the USPTO office, including one-on-one training.

## K. Miscellaneous Provisions.

1. **Dependent Care.** No telework arrangement is authorized which allows the participant to provide care to any individual during work hours. Participants shall have dependent care arrangements so that the participant's ability to work at the alternate worksite is not adversely affected. A dependent may be at the alternate worksite while the participant teleworks if those dependents are independently pursuing their own activities or otherwise provided for by a caretaker. For any time that the employee claims as work time, their attention must be oriented to work activities and not dependent care.
2. **Transit Subsidy.** Participants continue to remain eligible for transit subsidies as set forth in the [USPTO Public Transit Subsidy Program](#).
3. **FECA and Alternate Worksite Injury.** Participants are covered under the Federal Employee's Compensation Act (FECA) if injured in the course of actually performing official duties at the alternate worksite. In order for a participant to be able to file a claim for worker's compensation, the participant who has an accident or injury while working at the alternate worksite must notify their immediate supervisor and report the accident or injury to a designated USPTO official in accordance with FECA requirements. Upon notification, the USPTO may investigate any reported accidents and injuries.
4. **Property Liability.** The USPTO will not be liable for damages to a participant's personal or real property during the course of performing official duties or while using Government equipment in the participant's residence, except to the extent the Government is held liable by the Federal Tort Claims Act, claims arising under the Military Personnel and Civilian Employees Claims Act, or other laws.
5. **Protecting Records.** Participants will apply approved safeguards to protect Agency records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the [Privacy Act](#) of 1974, Public Law 93-579, codified at 5 U.S.C. Section 552a. See [Section I.E.4](#) for additional IT Security requirements.

Participants are required to use electronic versions of documents and data whenever practical. When this is not practical, and solely for the purposes of this Program,

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participants will be permitted to remove USPTO copies of documents from the USPTO office in order to perform their officially assigned duties at an alternate worksite, unless such files have been identified by management as being inappropriate for removal from the USPTO office. The participant is responsible for the transportation and safeguarding of the documents and files to and from the USPTO office and alternate worksite(s). Original or official files may not be removed from the USPTO office unless specifically approved by the Agency.

When the USPTO has an unusual need for a document or file or other information that is located at the alternate worksite, the participant may be directed to provide the requested document, file or other information to the USPTO office within one business day by delivery means determined by the Agency. An unusual need is one that does not occur on a regular basis and cannot wait for the participant's scheduled return to the USPTO office or be resolved through other means.

6. **Union Activities.** Stewards and union officials may perform Union representational activities on official or bank time while teleworking.
7. **Personal Information.** Agency personnel will not divulge the addresses and private home or mobile telephone numbers of participants to the public or any other USPTO personnel who do not have a legitimate business need to know such information.

## II. Provisions Applicable to Situational Telework Participants

- A. **Requesting Situational Telework.** A situational telework participant is expected to perform their assigned duties at the USPTO office regularly. Situational telework must be requested in advance and approved by the immediate supervisor. Requests for situational telework must include the dates the participant will telework and the work that will be performed at the alternate worksite on those dates.

Participants currently teleworking situationally in a position that is eligible for routine or remote telework who would like to move to routine or remote telework must modify their telework application in [ETIS](#) and follow the application procedures in [Section I.C.9](#). Additional information on routine telework may be found at [Section III](#) and additional information on remote telework may be found at [Section IV](#).

- B. **Offices.** Participants selecting a situational telework program option will retain their status quo office.

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- C. **Part Time Employees.** Part-time employees who encumber a position eligible for situational or routine telework may participate in situational telework.

## III. Provisions Applicable to Routine Telework Participants

- A. **Overview.** A routine telework participant's official duty station remains the USPTO office and requires the participant to work at the USPTO office for a specified amount of time each week or bi-week as designated by their position eligibility determination.

1. Participants electing to telework one to four days per week will work at the USPTO office for four to one day(s) per week.
2. Participants electing to telework five days per week may elect either to retain the USPTO office as their official duty station and remain a routine teleworker or, if the participant's primary alternate worksite is located within 50 miles of the USPTO office, change the location of their official duty station to the primary alternate worksite in accordance with the procedures outlined in [Section IV.B.](#) and become a remote teleworker.

### B. Routine Telework Participants Teleworking One to Four Days per Week

1. **Telework Schedule.** Participants eligible for routine or remote telework may request to telework one to four days per week, up to the number of days permitted by their position's eligibility determination. Participants electing this option are expected to perform their assigned duties at the USPTO office for one to four day(s) per week, as set forth in their position eligibility determination. Participants who select this option must consult with their immediate supervisor to define a telework schedule that identifies regular days to perform duties at the USPTO office each bi-week. For participants whose essential functions include duties that must be done at the USPTO office, the amount of time spent at the USPTO office on a non-telework day must be long enough to complete those essential functions and if a participant chooses to work at multiple locations on the same day they must notify their immediate supervisor.

Participants may not use IFP/S flexibilities or any combination of leave to regularly avoid any in-office requirements. Participants are not precluded from teleworking on fewer days than their position's eligible number of days. The day(s) a participant elects to perform assigned duties in the office will be the same each week and must be scheduled in advance and approved by the immediate supervisor to ensure office coverage.

On a situational basis, a one to four day per week routine telework participant's immediate supervisor may allow an employee to work additional days at an alternate

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worksite (i.e., supplemental situational telework) in accordance with the provisions for situational telework [See [Section II](#)]. Supplemental situational telework must be requested in advance and approved by the immediate supervisor. Requests for supplemental situational telework must include the dates the participant will telework in addition to the routine telework and the work that will be performed at the alternate worksite on those dates.

2. **Telework Schedule Changes.** Changes in USPTO office day(s) for participants whose position is eligible for routine telework one to four days per week must be requested in advance and approved by the immediate supervisor. These requests may be for a one-time change or for a permanent switch in the days performing assigned duties in the USPTO office. See [Section I.C.7.](#) and [I.C.8.](#) for permanent program changes. OGC may require temporary adjustments to USPTO office day(s) schedules to address business needs and office coverage for non-portable work activities.

Participants currently teleworking one to four days per week in a position that is eligible to telework five days per week who would like to move to five days per week telework must modify their telework application in [ETIS](#) and follow the application procedures in [Section I.C.7.](#) and [I.C.8.](#) Additional information on five day per week routine telework may be found at [Section III.C.](#) and on five day per week remote telework may be found at [Section IV.](#)

3. **Offices.** Routine telework participants who select a telework program option that places the participant at the USPTO office for two days per week or less will be required to share an office with another employee. Participants who share an office may coordinate their on-campus days, such that one of them uses the office at a time. Participants who select a telework program option that places the participant at the USPTO office for three days per week or more will remain their status quo office arrangements.

A Program participant whose selected telework program option places them in a shared office, and who changes the terms of their telework program and agreement in any way that places them at the USPTO office for three days per week or more, will be reassigned to an unshared office. A participant may have to remain in their shared office until individual office space is available.

Participants in a bargaining unit will be assigned an office as determined by their seniority consistent with existing Union agreements for office space. The bargaining unit employee should be issued the space they are entitled to within three months of notifying their immediate supervisor and Telework Program coordinator of the change.

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## C. Routine Telework Participants Teleworking Five Days per Week

1. **Reporting Requirement.** An employee who elects to telework five days per week and maintains the USPTO office as their official duty station is required to report to the USPTO office at least two times per bi-week. Participants shall work at the USPTO Office for a minimum of 15 minutes for each occurrence in a manner consistent with IFP work schedule rules as to days and hours of work. All forms of approved leave, including compensatory time, may be used to meet the required hour(s) on this day but leave may not be used on a regular basis to avoid the requirements of this paragraph to work at the USPTO office two times per bi-week.
2. **Offices.** Routine telework participants who telework five days per week will not have an assigned office at the USPTO office and will reserve hoteling space on campus when working at the USPTO office, including when meeting the regular bi-weekly reporting requirement.
3. **Travel Expenses and Travel Time.** When a participant's official duty station is the USPTO office, all travel between home and the USPTO office is considered commuting time and will not be reimbursed.

- D. **Part Time Employees.** Part-time employees who encumber a position eligible for routine telework for less than five days per week may participate in telework. The percentage of time that may be worked at the alternate work site will be prorated as determined by the percentage of the employee's part-time schedule compared to a full-time schedule, times the number of days. Part time employees who encumber a position eligible for remote telework for five days per week, may telework 100 percent of their part time work schedule (the requirement to routinely report to the USPTO office two times a bi-week remains). Part time employees should consult guidelines on part time work schedules in the applicable collective bargaining agreement, labor contract, or other union agreements related to part time work.

## IV. Provisions Applicable to Remote Telework Participants

### A. Provisions Applicable to all Remote Telework Participants

1. **Overview.** A participant who elects to telework five days per week may elect to either retain the USPTO office as their official duty station in accordance with [Section III.C.](#) or change the location of their official duty station to the primary alternate worksite.

There is no requirement to routinely report to the USPTO office when a participant has changed their official duty station to the primary alternate worksite. The change in official duty station may impact a participant's pay and benefits because locality pay is based on

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the location of the official duty station. See Sections [IV.A.2](#), [IV.B.1](#), and [IV.C.2](#) for additional information on changing the official duty station.

Table 1 provides an overview of implications for regular and recurring reporting requirements to the USPTO office, employee pay and benefits, and travel expenses associated with changing the official duty station.

**Table 1: Official Duty Station Implications**

| Key Elements   | Teleworking < 50 Miles from Alexandria, VA  |   | Teleworking > 50 Miles from Alexandria, VA  |  |
|--|---|---|---|--|
|  | Routine: 5 days per week (Hoteling)         | Remote: 50-Mile                                     | Routine: 5 days per week (Hoteling)         | Remote: TEAP   |
| USPTO Program Reference  | Routine: 5 days per week (Hoteling)         | Remote: 50-Mile                                     | Routine: 5 days per week (Hoteling)         | Remote: TEAP   |
| Official Worksite & Duty Station   | USPTO Office                                | Primary Alternate Worksite                          | USPTO Office                                | Primary Alternate Worksite   |
| Pay & Benefits   | Locality Pay of USPTO Office                | Locality Pay for City of Primary Alternate Worksite | Locality Pay of USPTO Office                | Locality Pay for City of Primary Alternate Worksite  |
| Regular and Recurring Reporting Requirement                                    | Two Times per Bi-week                       | None  | Two Times per Bi-week                       | None   |
| Travel for <u>Voluntary</u> Trips to USPTO Office or for Reporting Requirement | Employee Pays for all Trips to USPTO Office | Employee Pays for all Trips to USPTO Office         | Employee Pays for all Trips to USPTO Office | Employee Pays for all Trips to USPTO Office  |
| Travel for <u>Mandatory</u> Trips to USPTO Office                              | Employee Pays for all Trips to USPTO Office | Employee Pays for all Trips to USPTO Office         | Employee Pays for all Trips to USPTO Office | For bargaining unit employees, employee Pays for the first Trip up to 5 Days, USPTO Pays thereafter. Non-bargaining unit employees: TBD. |

- Process for Changing the Official Duty Station.** A remote telework participant will select one of two program options that permit a change of their official duty station, depending on the location of the approved primary alternate worksite. If the participant lives within a 50 mile radius of the USPTO office, they will select the 50-mile program option and follow the procedures in [Section IV.B.1](#). If the participant lives outside of a 50 mile radius from the USPTO office, they will select the TEAP program option and follow the procedures in [Section IV.C](#). The 50 miles is a point-to-point straight line distance from 600 Dulany Street,

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Alexandria, VA, 22314.

When changing the official duty station, participants are responsible for maintaining accurate human resource information as outlined in the Employee Human Resources Records Responsibilities document located on the Telework Resources website and at Appendix C.

3. **Offices.** Remote telework participants will not have an assigned office at the USPTO office and may use hoteling space, if available, when working at the USPTO office.
4. **Part Time Employees.** Part time employees who encumber a position eligible for remote telework, may telework 100 percent of their part time work schedule. Part time employees should consult guidelines on part time work schedules in the applicable collective bargaining agreement, labor contract, or other union agreements related to part time work.

## B. Remote Telework Participants Working within 50 miles of the USPTO Office<sup>8</sup>

1. **Official Duty Station Changes.** Participants who live within a 50-mile radius<sup>9</sup> of the USPTO office may request to change their official duty station to their approved primary alternate worksite (e.g., home address), which will be designated as their official worksite. A change in the participant's official duty station eliminates the requirement to report to the USPTO office at least two times per bi-week and changes the participant's pay (including locality pay) to the location of the primary alternate worksite, which may be a different locality pay than the USPTO office. Information on locality pay is available by checking the relevant pay tables found at the [Office of Personnel Management's](#) website. Questions about other potential changes to pay and benefits (e.g., health and life insurance, thrift savings plan, etc.) may be directed to the OHR at (571) 272-6000 or [HumanResources\\_USPTO@uspto.gov](mailto:HumanResources_USPTO@uspto.gov).

All changes to duty station are voluntary and for the convenience of the participant. See participant responsibilities in [Section IV.A.2](#). All changes to the official duty station must be pre-approved by the USPTO. If a participant's primary alternate worksite (e.g., home address) is within a 50-mile radius of the Alexandria office, a 50-mile radius telework program option may be selected. The participant's supervisor approves the request in ETIS and initiates a PAR to change the duty station in the designated USPTO human resources system.

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<sup>8</sup> This category of remote telework is sometimes referred to as the "50-Mile Program".

<sup>9</sup> The 50-mile radius is determined by ETIS.

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Generally, participants should request approval three weeks in advance of any change in the official duty station or move. This will provide the supervisor and OHR with sufficient time to process and apply an effective date for the duty station change. The USPTO will not pay for moving costs associated with changes in official duty station.

2. **Working at the USPTO Office.** Participants may occasionally voluntarily work at the USPTO office. Participants working at the USPTO office are encouraged to reserve hoteling space to perform their official duties. Participants may also be required to occasionally report to the USPTO office to address business needs and office coverage for non-portable work activities, attend training, meetings, or other team-, Office-, or Business Unit-wide events.
3. **Travel Expenses and Travel Time.** When a participant's official worksite is their home address or other approved alternate worksite within a 50-mile radius of the USPTO office, they will not be reimbursed for any travel or related expenses for commuting between their official worksite and the USPTO office regardless of whether the trips are mandatory or voluntary. All such trips, regardless of the location of the official worksite, will not be on duty time.

## C. TEAP Option for Remote Participants Working more than 50 miles from the USPTO Office<sup>10</sup>

1. **Telework Enhancement Act Program (TEAP).** TEAP allows participants teleworking five days per week whose position is TEAP eligible and who live greater than 50 miles from the USPTO office to decide, for their own convenience, to change their duty station to an approved telework location in the local commuting area of the city in which they live, if their position is designated as TEAP eligible. See participant responsibilities outlined [Section IV.A.3](#). The participant must travel to the USPTO office for mandatory trips when directed by the Office, and TEAP permits the participant to waive their right to travel expenses for a reasonable number of mandatory trips to the office (5 U.S.C. § 5711(f); 5 U.S.C. § 5711(g)). Bargaining unit employees eligible for and participating in TEAP are responsible for paying for one mandatory trip per fiscal year for up to a maximum of five calendar days, which will be the first trip of the fiscal year. Participants who telework five days per week and who wish to participate in TEAP should refer to the [TEAP Operating Procedures](#) for program specifics.
2. **TEAP Operating Procedures.** The USPTO maintains a TEAP with operating procedures applicable to all USPTO employees. Employees who enroll in TEAP will abide by [TEAP Operating Procedures](#). Highlights of certain aspects of TEAP are outlined below. The

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<sup>10</sup> This category of remote telework option is referred to as TEAP.

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information contained herein is not intended to substitute or supersede the TEAP Operating Procedures.

- a. **TEAP Eligibility.**<sup>11</sup> All telework participants who encumber positions eligible for TEAP may apply to TEAP if they meet the TEAP eligibility requirements (e.g., changing the official duty station, waiving travel reimbursements, etc.). Generally, participants should be approved for TEAP three weeks in advance of any change in the official duty station or move.
- b. **TEAP Application and Approval.** If a participant's primary alternate worksite (e.g., home address) is outside of a 50-mile radius of the Alexandria office, a TEAP telework program option may be selected. The participant's supervisor approves the request in ETIS and initiates a PAR to change the duty station in the designated USPTO human resources system.
- c. **TEAP Pay and Benefits.** Participation in TEAP may impact the participant's pay, due to locality pay differences from the USPTO office. Information on locality pay is available by checking the relevant pay tables found at the [Office of Personnel Management's](#) website. The TEAP Operating Procedures outline other potential changes to benefits (e.g., health and life insurance, thrift savings plan, etc.) and state taxes. Questions about pay and benefits may be directed to the OHR at (571) 272-6000 or [HumanResources\\_USPTO@uspto.gov](mailto:HumanResources_USPTO@uspto.gov).
- d. **TEAP Relocation Expenses.** Participation in TEAP is voluntary. No employee relocation expenses will be paid to participants.
- e. **TEAP Moves and Withdrawal.** A participant must use ETIS to notify their immediate supervisor and the Telework Program coordinator of all moves to a different primary alternate worksite (official worksite) or withdrawal from the program. Generally, participants should request approval three weeks in advance of any change in the official duty station or move. This will provide the supervisor and OHR with sufficient time to process and apply an effective date for the duty station change. The USPTO will not pay for moving costs associated with changes in official duty station. See the [TEAP Operating Procedures](#) for specific instructions.
- f. **TEAP Mandatory Trips.** The TEAP Operating Procedures outline procedures and requirements for mandatory trips. For bargaining unit employees<sup>12</sup>, TEAP participants will incur one mandatory trip up to a maximum of five calendar days that is participant

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<sup>11</sup> At the inception of this agreement, no OGC positions are designated as TEAP-eligible, but they may be in the future.

<sup>12</sup> The number of trips at employee expense for nonbargaining unit employees is yet to be determined.

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paid per fiscal year and all trips beyond that number will be paid by the Agency. OGC will endeavor to combine reasons for trips and limit the number of trips per year to a reasonable number, in line with the participant's job duties. The participant's time for travel will be compensated based on the most efficient manner of travel as defined by Federal travel regulations.

- g. **TEAP Voluntary Trips.** Trips to the USPTO office are defined as voluntary when they are discretionary on the part of the participant and visitation/travel is not required by OGC. No travel expenses or travel time will be provided for voluntary trips. Voluntary trips to the USPTO office do not count towards the maximum number of mandatory trips. See TEAP Operating Procedures for further guidance on voluntary trips.

## V. Temporary Medical Exception

- A. **Description of Program.** Management will consider requests from employees to work from home or another alternate worksite based on a serious temporary or short-term medical need of the employee or a family member which would:
  - 1. Significantly impair or preclude the employee from working at (or traveling to) the USPTO office;
  - 2. Ordinarily require the employee to use leave to be away from the USPTO office without the ability to telework; and
  - 3. Allow the employee to work from the alternate work site.
- B. **Flexibility:** In addition to the flexibility of where to work, the employee may request additional telework days, up to and including teleworking five days per week and specific hours of work.
- C. **Application.** The request may be from a person not eligible to telework (based on position eligibility), or from a current teleworker to expand or change the number of days of telework or change their telework program option. If the request is from an employee whose position is not normally eligible to telework and is not covered by an existing telework agreement, the employee must sign a telework agreement. Eligibility requirements based on position may be waived because the eligibility for the temporary medical exception is based upon specific need.
- D. **Approval.** Requests under these circumstances (known as a Temporary Medical Exception) must be submitted to the employee's immediate supervisor (or designee) as soon as the need for the temporary medical exception is known by the employee. The supervisor or designee

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will promptly forward the request with any comments (to include their proposal for the terms of the medical telework) to the Business Unit Head or Deputy Business Unit Head or designee. Decisions to grant or deny requests will be made by the Business Unit Head, Deputy, or designee and communicated to the employee in writing promptly, generally within one or two weeks, and taking into consideration the date on which the employee requests to begin telework. The reason(s) for any denial will be included in the response.

In determining whether to approve a request under this section, the supervisor must consider:

1. The work available for the employee to perform from a remote location as well as the ability to successfully complete assigned tasks in accordance with the employee's performance appraisal plan;
2. Whether or not the employee will have appropriate remote access to USPTO IT systems and the likelihood that the employee can be successful in working remotely;
3. The employee's ability to work without the disruption of providing childcare, eldercare, or medical needs (the employee may mid-day flex, if on an appropriate work schedule, to accomplish these activities); and
4. The impact of the employee's absence from the USPTO office on other employees as well as the ability of OGC to meet its business needs.

Approval to telework under this exception will be up to the duration of the medical need, depending on the work available to be performed at the approved alternate work site. In all instances, the telework granted pursuant to this medical exception may not exceed 4 months without renewed approval. However, the approval may be reviewed at any time and may be extended, adjusted, or revoked: a.) if the medical circumstances have changed; or b.) when participation is based on the medical needs of a family member and business unit needs have changed significantly). Approval of these requests for a temporary medical exception is separate and independent of the Agency's reasonable accommodation process and is not considered evidence of the Agency perceiving or regarding an employee as disabled under the [Rehabilitation Act](#). Nothing in this section precludes or limits the ability of employees to request a reasonable accommodation nor limits the ability of supervisors to refer employees to the Reasonable Accommodation Program Office/OEEOD for assistance when appropriate.

- E. Documentation.** Upon request, employees must submit medical documentation) from a health care provider supporting the request for a temporary medical exception.

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1. The statement or documentation will:
  - a. State the general nature of the medical need and why the employee should be excused from working at the USPTO office (treatment of the employee or a family member outside of the commuting area will satisfy this requirement).
  - b. Confirm that the employee can perform work.
  - c. Include either of the following:
    - i. If the employee has the medical condition—that the employee is fit for duty at the alternate work site, including any limitations that may apply; or,
    - ii. If a family member has the medical condition—
      - (A) state that the family member will not require constant attention, or
      - (B) the employee may indicate on the application that other people will provide care when the employee is working.
  - d. The expected duration of the need based on the medical condition.
2. The employee will not be required to reveal any details about the medical condition other than the general nature of the condition as set out in the medical documentation described in [Section V.E.1.](#), and OGC may not require the employee or family member to sign a release for their medical information.
3. OGC will treat as confidential any medical information given by an employee in support of the medical telework request, and may only disclose such information subject to its Privacy Act and Rehabilitation Act obligations for work-related reasons on a need to know basis.
4. The purpose of the health care provider's statement and/or documentation is to verify the existence of the medical reason asserted in the temporary medical request, that the employee could not reasonably be expected to work at the USPTO office or that working from an alternate worksite would help alleviate the medical condition or assist with recuperation, and that the employee is fit for duty at the alternate location. OGC will not substitute its own judgment for the medical judgment of the health care provider with respect to the validity of the medical condition, its duration, or how medical telework will alleviate the condition or help the employee (or family member) to recuperate (so long as there are sufficient details in the statement for OGC to understand the basis for the recommendations).

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- F. **Work Performed.** Because of the added flexibility in terms of eligibility, scheduling and/or number of telework days and hours, the participant and the supervisor will discuss the work to be done, the hours to be worked (including both the number of hours per day and the time of these hours), and any changes in circumstances affecting the arrangement. The terms of the medical telework will be documented in writing and signed by the employee and supervisor or exchanged via email.

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## Safety Guidelines for the Alternate Worksite(s)

Employees may use the following guidelines to assist them in a review of the overall safety and adequacy of their alternate worksite. The following are only recommendations, and do not encompass every situation that may be encountered. Employees are encouraged to obtain professional assistance with issues concerning appropriate electrical service and circuit capacity for residential worksites.

1. Develop and practice a fire evacuation plan for use in the event of an emergency.
2. Check your smoke detectors regularly and replace any batteries as needed.
3. Have a working fire extinguisher conveniently located at your alternate worksite (in the room where you work or appropriately located to help with evacuation), and check the charge regularly.
4. Computers are heavy. Place them on sturdy, level, well-maintained furniture.
5. Choose office chairs that provide good supporting backrests and allow adjustments to fit you comfortably.
6. Locate your computer to eliminate noticeable glare from windows and lighting. Place the computer monitor at a height that is comfortable and does not produce neck or back strain. Locate computer keyboards at heights that do not cause wrist strain or place the keyboard on an adjustable surface.
7. Install sufficient lighting in locations to reduce glare on the work surface.
8. Arrange file cabinets so that opened drawers do not block ingress and egress.
9. Be sure to leave space for ingress and egress, where possible, to reduce tripping hazards.
10. Be sure electrical equipment is connected to grounded outlets.
11. Avoid fire hazards by not overloading electrical circuits.
12. Inspect and repair carpeting with frayed edges or loose seams. Avoid using throw rugs that can cause triggering hazards in your workspace.
13. Locate computers, phones, and other electrical equipment in a manner that keeps power cords out of walkways.
14. Lock (CTRL+ALT+DEL) computers after the workday is over.
15. Keep your workspace clean and avoid clutter which can cause fire and tripping hazards.
16. Use proper lifting techniques when moving or lifting heavy equipment and furniture.
17. Report accidents and injuries immediately to your supervisor.

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### ETIS Employee Information and Certification Language

The document summarizes the various conditions, understandings, and certifications required by an employee who applies for and enrolls into a USPTO telework program. The information will appear on screens during the ETIS application process.

#### General guidance and provisions of telework at USPTO

1. All pay, leave, and travel entitlements will be based on the participant's official duty station.
2. The participant must follow established USPTO procedures when requesting and taking leave, compensatory time or credit hours.
3. The participant agrees to complete surveys and attend focus group meetings and interviews to help evaluate the telework program.
4. For participants with government provided equipment: Upon reasonable advance notice by the agency, the participant will permit USPTO employees and contractors to access the alternate worksite during normal working hours on a day that the participant is working at home for the purpose of installing, repairing, maintaining, or removing equipment, software, or other USPTO property, or to investigate an accident or a Workers' Compensation claim or to investigate other work-related or safety problems arising from the administration of the telework program. The parties may mutually agree to a time outside of these hours.
5. The participant agrees to comply with USPTO instructions regarding the return or removal of program materials.
6. The government will not be liable for damages to a participant's personal or real property during the course of performance of official duties or while using government equipment in the participant's residence, except to the extent the government is liable by the Federal Tort Claims Act or claims arising under the Military Personnel and Civilians Employees Claims Act, or other laws.
7. All office policies and procedures and responsibilities remain in effect during a telework program unless the terms of the program agreement or guidelines specifically indicate a difference.
8. Participants who change their primary alternate worksite while participating in the program are required to update their primary alternate worksite address in the Enterprise Telework Information System (<https://etis.uspto.gov>). Participants must also keep their approved secondary alternate site location updated, but this does not constitute a relocation.
9. In accordance with USPTO CIO standards, participants in any telework program must have internet service provided by cable or fiber optic with minimum internet speeds of 15 Megabytes per second of download speed and 4 Megabytes per second of upload speed. The participant agrees that her/his internet speeds at the alternate worksite(s) meet or exceed this requirement, unless a lower speed is authorized by an underlying agreement.

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### Employee Responsibilities Related to Human Resource Information

I understand the following:

1. I am responsible for keeping my residential address and duty station up-to-date in the Employee Personal Page ([EPP](#)) and ETIS systems;
2. I am responsible for reviewing my benefits coverage (health insurance, dental and vision plans, and long term care insurance), and ensuring the options I have selected provide coverage in my desired location. If I relocate out of the coverage area and wish to elect a new health benefit plan, I must notify the Office of Human Resources (OHR) to make a new election;
3. I am responsible for ensuring that the correct state taxes are withheld from my salary. If I move, I understand it is my responsibility to submit a change request through OHR according to the established processing timelines. If I fail to ensure the proper taxes are withheld from my salary, it is my responsibility to work with my state(s) to make any necessary corrections. The OHR will not make retroactive adjustments or withholdings. More information on how to change your state tax exemption can be found [here](#);
4. Because I am responsible for making sure that taxes are being paid to the appropriate jurisdiction and that my pay is based on the location of my duty station, reviewing my earnings and leave statements is the best way of identifying any issues as early as possible;
5. If applicable, I will work with my supervisor to ensure a "Change in Duty Station" Personnel Action Request (PAR) is initiated in the [HRConnect](#) system before the effective date. I also understand that the change in duty station cannot be made effective until OHR has processed the request. If I fail to timely update my address or duty station, it may impact my locality pay and result in an erroneous salary overpayment. I will be required to refund any overpayment to the USPTO.
6. Questions regarding benefits, compensation or personnel action processing may be directed to [HumanResources\\_USPTO@uspto.gov](mailto:HumanResources_USPTO@uspto.gov) or by telephone at 571-272-6000.

### Safeguarding USPTO information and equipment

1. The participant will protect Government/USPTO records from unauthorized disclosure or damage and will comply with the Privacy Act requirements set forth in the Privacy Act of 1974, Public Law 93-579, codified at 5 U.S.C. Section 522a.
2. The participant will ensure that Government/USPTO records taken from the USPTO are accessed only by authorized personnel.
3. The participant will safeguard documents, data files and equipment during transit and at the alternate worksite(s).
4. The participant must return all documents, data files, work products, drafts and notes to the USPTO upon participant ending participation in the program.

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### Maintaining USPTO Virtual Private Network Connection Requirements

I certify that I have read the [USPTO VPN Connection Requirements\\*](#) and that my internet connection(s) are compliant.

\* You may be required to show proof that the Internet Service Provider(s) you use at the alternative worksite(s) comply with the VPN Connection Requirements. Note: some employees with slower speeds may meet the requirements based on being covered by agreements negotiated with the union representing the participant.

### Conditions for Participating in Telework

As a condition of participation in the Telework Program, I agree to the following:

1. I have read and agree to adhere to the program requirements, including agreements and guidelines as appropriate, of the Telework Program.
2. I acknowledge that all pay, leave and travel entitlements will be based on my official duty station.

### Final Certifications Upon Signing

- By signing, I certify that I have read and will comply with the [Business Unit Telework Program] provisions and the Employee Responsibilities included on page 2 of 3.
- If my telework program offers TEAP<sup>13</sup> as an option and I have selected TEAP as my option, my signature also certifies that: I have read and will comply with the [TEAP Operating Procedures](#); my participation is for my convenience, and, I waive my right to travel reimbursement as outlined in the TEAP Operating Procedures

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<sup>13</sup> Telework Enhancement Act Program

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### USPTO New Employee Telework Agreement

The following constitutes an agreement between the U. S. Patent & Trademark Office and \_\_\_\_\_ (name of employee).

#### Type of Telework

Based on conversations with my supervisor I have been informed that I am eligible for and select: (choose one)

\_\_\_\_\_ Routine Telework (I will be allowed to telework a specified number of days and I will be in the USPTO facilities a specified number of days per week.

\_\_\_\_\_ Remote Work: I will work all of my hours from my home or other alternate work site and I am not expected to routinely report to a USPTO office or facility.

\_\_\_\_\_ Remote Work within 50 miles of the USPTO office or facility: I will work all of my hours from my home or an alternate work site that is located within 50 miles of the USPTO office or facility.

#### Location of Alternate Work Site:

The USPTO needs to know the location of your alternate work site. Please chose one of the statements below:

\_\_\_\_\_ The address I submitted with my new employee orientation documents is the location of my alternate work site.

\_\_\_\_\_ I intend to work from a different location than the address I submitted. I will call my supervisor and provide the information within the next two days.

The phone number at the alternate work site is: \_\_\_\_\_ (provide a mobile number if there is no land line)

#### Official Duty Station

Your Official Duty Station may determine your pay or other benefits. If you will work at the USPTO headquarters or another USPTO facility on a routine basis, your Official Duty Station will be the city and state of the USPTO facility. If you are a remote worker, your Official Duty Station will be the city and state of your alternate work site.

#### Discussions with Supervisor

This agreement references a number of policies, agreements, and other requirements. The Agency acknowledges that you do not have the ability to review these documents until you are an official employee of the Agency. Therefore, your supervisor will discuss any of these issues with you to help

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you understand his or her expectations and your requirements. You will have access to the material once you have access to the USPTO Intranet.

### Agreement Terms

- 1) This agreement becomes effective once you have signed the agreement and when you begin working for the USPTO. The Agreement does not require a signature of an Agency Representative.
- 2) This is a temporary agreement that will be in effect no longer than two months. The agreement expires on the earlier of you signing a new telework agreement appropriate for your position and business unit within the USPTO or 2 months after you begin working for the USPTO.
- 3) The employee may telework up to full-time under this agreement, with the extent of authorized telework determined by the employee's business unit. The Agency retains the authority to direct the employee to report to the official duty station as required. 50 Mile radius participants may be required to come to the USPTO as needed. Employees should communicate with their supervisor regarding the assignment of work while teleworking.
- 4) Employees agree to inform their supervisor of their work schedule at the beginning of each day or on a biweekly basis either by email or using the status function in Microsoft Teams, and to update the supervisor as soon as practicable of any changes to the schedule. The employee must comply with all rules and policies governing work schedules while teleworking.
- 5) The employee is required to have Internet Service with a download speed of at least 15 Mbps and an upload speed of at least 4 Mbps at the alternate work site.
- 6) Telework is not authorized when the employee is providing care to any individual. Employees shall have dependent care arrangements so that the employee's ability to work at the alternate worksite is not adversely affected. A dependent may be at the alternate worksite while the employee teleworks if those dependents are independently pursuing their own activities or otherwise provided for by a caretaker. For any time that the employee claims as work time, their attention must be oriented to work activities and not dependent care.
- 7) All pay, leave, and travel entitlements will be based on the employee's Official Duty Station.
- 8) Participants agree to comply with USPTO instructions regarding the return or removal of Agency materials. The employee will ensure that only authorized personnel access the materials provided by or taken from the USPTO.

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- 9) The employee must return all USPTO files, work product, drafts, and notes to the USPTO within two business days of the employee ending participation in the program, regardless of whether participation ends voluntarily or at the direction of the Agency.
- 10) Assigned duties may only be performed at the approved alternate work site or official duty station. Documents under secrecy orders or containing national security markings cannot be remotely accessed or removed from the USPTO work site.
- 11) The employee will safeguard and protect the confidentiality of patent applications and information therein in accordance with 35 U.S.C. § 122 and any private information (including information covered by the Privacy Act, 5 U.S.C. § 552a).
- 12) Signing and returning this agreement does not confer the right to telework when the employee is in a position that has not been approved for telework or to increase the amount of telework from what has been authorized by the USPTO.

**I certify that I have read and will comply with the aforementioned provisions.**

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Print name

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Employee's Signature

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Date

An /s/ followed by the employee's name will be a sufficient signature for this document, or the employee may print, sign, scan and return the agreement.

Please return this agreement to your supervisor

| Ref. # | OFFICE | POSITION              | UNION    | SERIES | GRADE | POSITIONS ON BOARD | POS. VACANT | TOTAL POSITIONS | Position Eligibility (\$,1,2,3,4, or 5 days/wk) | Explanation for on-campus obligations  | If 5 days, is Position Eligible for Remote or TEAP? | Explanation for not eligible for TEAP |
|--------|--------|-----------------------|----------|--------|-------|--------------------|-------------|-----------------|---|--|---|---------------------------------------|
| 1      | OED    | Paralegal             | NTEU 243 | 0950   | 12    | 2                  | 0           | 2               | 4   | Customer Support Services to USPTO internal and external customers (e.g. exhibit preparation, document handling, etc.)   | N/A   | N/A                                   |
| 2      | OED    | Enrollment Specialist | NTEU 243 | 0301   | 11    | 4                  | 0           | 4               | 4   | Customer Support Services to USPTO internal and external customers (e.g. on-campus support to customers, document preparation and mail processing for office correspondence, etc.)   | N/A   | N/A                                   |
| 3      | OED    | Enrollment Specialist | NTEU 243 | 0301   | 12    | 2                  | 0           | 2               | 4   | Customer Support Services to USPTO internal and external customers (e.g. on-campus support to customers, document preparation and mail processing for office correspondence, etc.)   | N/A   | N/A                                   |
| 4      | SO     | Paralegal             | NTEU 243 | 0950   | 12    | 7                  | 1           | 8               | 4   | Paralegal Specialists are responsible for obtaining and organizing hard copies of files, legal support for attorneys that must be done on-site (document gathering/ review, briefs, etc.), and notary services for the USPTO.  | N/A   | N/A                                   |
| 5      | SO     | Legal Assistant       | NTEU 243 | 0986   | 8     | 3                  | 0           | 3               | 2   | Legal assistants greet and direct visitors, bind legal briefs that must be submitted to the court, copying/printing of documents, reviewing and entering paper notices of suit, and obtaining and routing incoming mail and legal documents for the Office of the Solicitor. | N/A   | N/A                                   |
| 6      | SO     | Librarian             | POPA     | 1410   | 13    | 1                  | 0           | 1               | 4   | The Librarian maintains the OGC library in the MDW building, receives physical content, and organizes the library shelves. Also responsible for checking resources in/out when requested from internal and external customers.   | N/A   | N/A                                   |