

Becoming the Best Place to Work

USPTO's Labor-Management Relations Success Story



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What We Do at USPTO



- The United States Patent and Trademark Office (USPTO) is an agency within the U.S. Department of Commerce that examines patent and trademark applications and grants patents and registers trademarks to qualified applicants.
 - The USPTO also provides patent and trademark services to the public.
- 12,000 employees
 - Engineers, Scientists, Attorneys, Support
 - Younger workforce
- \$3.0 billion budget
 - IP-intensive industries accounted for about \$5.06 trillion in value added, or 34.8% of U.S. gross domestic product (GDP), in 2010.
- Main campus and 4 new satellite offices
- Fee Funded
- Production Oriented



Our Story Background



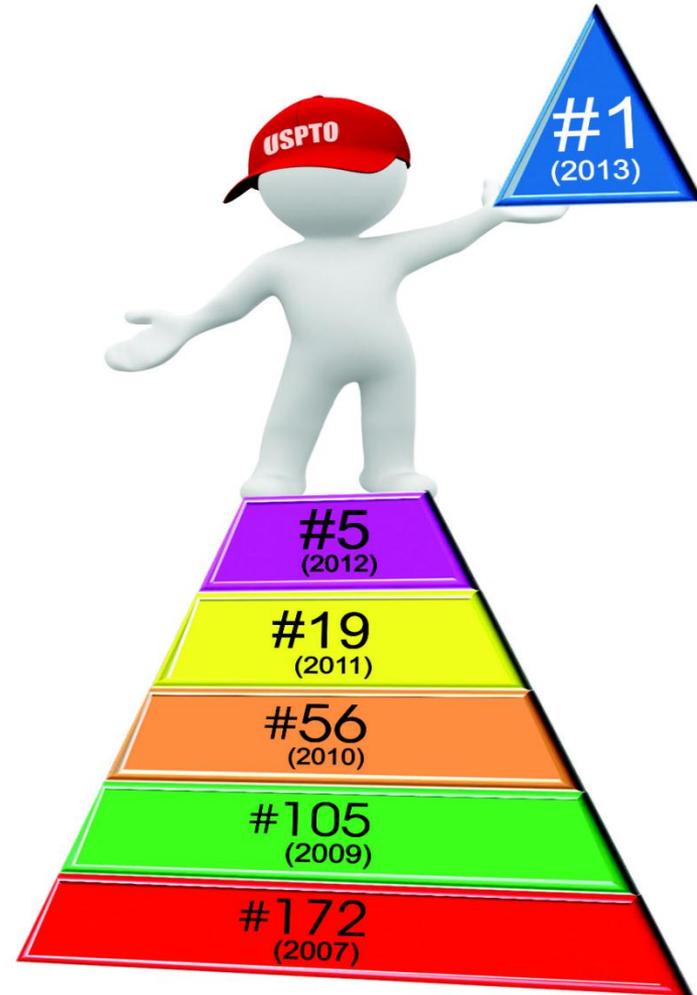
- In just six years, the USPTO improved in the Partnership for Public Service's BEST PLACES TO WORK IN THE FEDERAL GOVERNMENT® rankings from 172nd in 2007 to #1 in 2013 out of 300 agency subcomponents
- In that same period:
 - the patent application backlog was reduced 31% while annual patent application filings increased from 467,000 to over 600,000 per year.
 - Trademark application processing time also decreased - from 13.4 months to 10 months, while annual trademark application filings also increased from 394,000 to 433,600 per year.



How Did We Do It?



It didn't happen overnight and USPTO did not start at the top – it took time, dedication, and a shared commitment between management and our unions to improve!





Our Union Partners



- Patent Office Professional Association (POPA)
 - 8,500 in the bargaining unit
 - Patent examiners and other professional employees
- National Treasury Employees Union (NTEU)
 - Chapter 245
 - 400 in BU
 - Trademark examining attorneys and TTAB Interlocutory attorneys
 - Chapter 243
 - 1,300 in BU
 - Paralegals, Legal Instrument Examiners and Assistants, IT Specialists, other support staff



Our Union Partners



- NTEU and POPA's strong presence in the workplace ensures that employees' needs and concerns are raised with management;
- Both NTEU and POPA have a dedicated cadre of volunteer leaders who are responsive to employees; and
- Through their union, employees feel that they have a voice about what is important to them and what they need to get the job done.



Trust and Transparency



- Our success is directly related to USPTO management and labor unions embracing a cooperative and productive labor-management relationship, with trust and transparency at its core.
 - The mechanisms we use involve active and engaged discussions between USPTO management and our labor unions.
- When senior leaders from both management and the unions unite and support a philosophy, that is very powerful!



Our Success “Toolbox”



- Senior Leadership Driving Change
 - Both USPTO Management and Union Leaders
- Engagement and commitment from both sides
- Regular monthly labor-management meetings...more as necessary
- Look for solutions first...then agree on format for next steps
- Transparency and teamwork
- Joint communications
- Pre-Decisional Involvement (PDI)

Bottom line....it all comes down to trust and respect!



How We Use PDI at USPTO



- At the USPTO, PDI enables union representatives to engage with management in the decision making process before management has determined how to proceed.
- One of the primary reasons PDI works at the USPTO is because either party, the union(s) or management, can raise or develop an issue and discuss mutual interests.
- PDI has played an important role in producing significant, measureable improvements in achieving Agency goals.



PDI (continued)



- We are changing how we work together. Joint problem-solving is the preferred approach.
- Early communication between the parties:
 - Builds trust
 - Allows management to consider the unions' concerns and ideas earlier when there may be more flexibility in addressing them
 - Creates a problem-solving atmosphere, which considers both the efficiency of the Agency and working conditions for employees
 - Frequently leads to better solutions with reduced (or no) bargaining prior to implementation



Examples of PDI Partnership Success



- Changed how attorneys and examiners receive credit for work performed.
- Refined Performance Plans to more closely align evaluation standards with agency goals.
- Added new top bracket for patent examiner production incentive.
- Revised and strengthened the pendency award to focus on moving applications within the Congressionally mandated timeframes.
- Implemented a bar dues reimbursement program to enhance retention of experienced attorneys.
- Created the best telework program in the federal government, saving the agency millions of dollars per year in real estate costs.



Winning Together – The AIA



America Invents Act

- PDI allowed the Agency to complete discussions with POPA prior to the statutory deadlines for implementation of the Act, allowing the Agency to timely implement the most significant changes to the Patent system in generations. Through PDI, the following topics/processes were facilitated:
 - How the required changes would be implemented
 - Employee training
 - Communications with the user community
 - The transition between the old and new systems/requirements



Piloting Change



- Management and unions have also worked on a number of pilot programs to drive positive change that actively involves gathering employee feedback.
 - With this approach, management, the unions, and employees have an opportunity to “try out” new programs/processes, while gathering and responding to employee views and concerns.
 - Pilot programs require a good degree of trust because changes are usually necessary for ultimate efficiency and fairness to employees.
 - Reduces the time needed, if any, for bargaining prior to final implementation.



Telework Enhancement Act Pilot Program (TEAPP)



- One of the most significant USPTO management/union pilot programs is the Telework Enhancement Act Pilot Program (TEAPP).
- The Telework Enhancement Act of 2010:
 - Authorized the USPTO to conduct a seven year test travel pilot program allowing employees to waive their right to travel expenses in exchange for a reasonable number of mandatory trips to the USPTO
- TEAPP Administration:
 - USPTO Telework Oversight Committee, comprised of equal representation of labor and management



The Leader in Federal Telework



History:

- Started in 1997, in partnership with NTEU 245, with 18 Trademark attorneys working most of their week at home.

Today:

- 91% of positions at USPTO are eligible to telework (10,694 positions eligible to telework)
- 80% of eligible employees at USPTO participate in telework (8,554 employees teleworking)



The Leader in Federal Telework



- Positive Impact On:
 - Real Estate
 - Recouping space from full-time telework employees results in real estate cost avoidance of over \$24,000,000 annually
 - Attrition
 - Patent examiners participating in a full-time telework program have a lower attrition rate than patent examiners not on a full-time telework program. A lower attrition rate results in:
 - less re-work allowing examiners instead to direct their efforts towards reducing the backlog of unexamined applications; and
 - reduced “new examiner” training costs



Labor-Management Forum



- PDI has been used at the individual union level and on an *ad hoc* basis with all three unions
- Labor-management forums with each individual union continue to enhance communication and build trust.
 - Thus far, our efforts have been focused on TEAPP and with individual unions.
- Based on the success of these efforts, management and all three unions have agreed to form a USPTO-wide labor-management forum for discussion of issues that are important to all parties.
- Our goal is to fully incorporate PDI into our business processes, both now and in the future.

Increased communication, collaboration and improved LMR leads a better engaged workforce which results in improved productivity and improved organizational effectiveness!

Thank You!



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