

NTEU CHAPTER
245 NEWS
THE TRADEMARK SOCIETY

April 2002

Vol. 9, No. 1

NOTES FROM THE PRESIDENT...

We have our hands in a number of matters, each of which impacts you and the rest of the bargaining unit. While it's hard to capture in a newsletter all the different activities we are engaged in on your behalf, here's an update on a few.

We continue our partnership efforts with the office to do all that we can to preserve jobs. More than 100 attorneys received career training, and a job fair was recently held. A number of attorneys remain on detail, which has helped build up a backlog of cases in the docket rooms. Ten of our attorneys have just started a detail at Patents and will remain there for a year. With the economy picking up, we are all hopeful that filings will increase; historically, both March and April have been strong months.

I recently met with Colleen Kelley, NTEU National's president, and others at National, to brief them on the situation here and enlist their full support. Colleen, in turn, will be talking to Commissioner Chasser. Your entire Executive Board has met with National representatives to discuss our circumstances; we will continue to meet periodically.

We are very busy on the legal front. We filed an unfair labor practice ("ULP") due to the office sending e-TEAS applications to non-E-Commerce offices. We will likely be meeting with the Federal Labor Relations Authority ("FLRA") in a couple of weeks to discuss the charges. We have requested collective bargaining as a result of the recent changes to the identification manual and have submitted proposals. Similar action has been taken with regard to the Trademark Law Treaty Implementation Act of 1998 ("TLTIA"). Contact Gina Hayes or Julie Watson if you'd like to see our ID proposals, Andy Corea for TLTIA.

We also immediately requested collective bargaining after the introduction of the new TMEP. We met with the office three times in partnership to see if we could come up with a plan to address the impact of this change on our working conditions. Since we are far apart on a number of issues, we will go the formal route. Your suggestions have been very helpful and will serve as the backbone for our proposals, which we will be preparing. If you would like to assist in preparing those proposals, please contact Julie Watson or myself.

Our interlocutory attorneys at the TTAB received notice of a proposed new PAP in December. We submitted proposals in January. Bargaining has not yet started. I have a copy of the proposals for those who may be interested.

For those who use mass transit, we are looking to increase the monthly subsidy from \$65.00 to \$100.00. We anticipate sitting down with the office to discuss this in the next couple of months. Contact me if you want more information.

Our attorneys continue to be promoted to the GS-14 level as they become eligible. For those of you who have not been here long, there was about a three-year period in the not too distant past where only three attorneys were promoted to that level. Now, attorneys are routinely promoted under our GS-14 agreement. Please contact me if you have eligibility or other questions.

On the training front, we anticipate that upcoming sessions will be held on the handling of 2(d) refusals as well as brief writing. Further, an X-Search 1.1 refresher course was provided to two offices; we expect that training to eventually be provided to all.

As our new facility in Alexandria starts taking shape, our level of involvement increases. As can be seen later in this newsletter, we have been involved in issues ranging from office décor to transportation and parking. Some months ago, we signed off on the design of our floors, which call for 120 square foot offices for each of our attorneys. The plans for the entire facility are in my office if you would like to see them. We have also been part of a food design committee, which has provided input on a number of matters including the type of food we would like to see served in the cafeteria. Contact Tricia Thomkins for more food-related information.

Future discussions will encompass other matters like security, the day care center, and transitional issues. As these committees form, we will need additional representatives. Please let me know if you are interested.

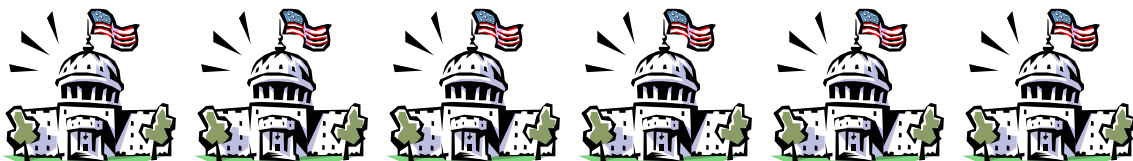
Periodically, as the rumor mill swirls, some of you have inquired whether Trademarks will indeed be moving to the new facility. I have raised this issue a number of times and have been told on every occasion that we will indeed not be left behind. I have seen nothing that would indicate otherwise. As the plans go, after Patents moves into Buildings E and C, we will move into A EAST, which is next to the Atrium. Our building is in a very good location -- close to the cafeteria, child development center, and fitness center.

Regarding more pressing concerns, we have been meeting with the office to see about getting some type of relief due to the onslaught of amendeds. We have also been talking to the office about the difficulty of meeting the telephone percentage under the PAP when working a detail. Finally, we are going to meet to discuss the impact, if any, of having more contractors take over the support functions in the law offices.

As we pursue all these initiatives, it's more important than ever that we increase our membership. So, if you're not a member, please consider joining. An application form is on the back of this newsletter.

Let us know how we can help you.

Howard



NTEU ANNUAL LEGISLATIVE CONFERENCE - 2002

Howard Friedman, Mitch Front, and Judy Grundy were among 300 NTEU members who gathered in Washington for the Union's annual Legislative Conference and meetings with elected federal office-holders. NTEU is the nation's largest independent non-postal federal sector union. NTEU represents more than 150,000 employees in 25 federal agencies.

Speakers at the conference included House Democratic Whip Nancy Pelosi, the highest-ranking woman in a party leadership position in the history of the nation; Kay Coles James, director of the Office of Personnel Management; Senator Byron Dorgan of North Dakota; Congressman Albert Wynn of Maryland; Congressman Steny Hoyer of Maryland; Congressman David Bonior of Michigan; and Congressman Robert Andrews of New Jersey.

NTEU'S PRIORITIES FOR 2002

The essential purpose of the conference was to speak with members of Congress regarding issues of importance to federal workers. NTEU 245's representatives were able to speak with various representatives, senators, and their staffers. NTEU selected five priority issues that the Union is actively pursuing during the first session of the 107th Congress. The ones most relevant to us are discussed below.

Federal Pay and Benefits

Despite the success of the NTEU national and grassroots efforts in securing a 2002 pay raise a full percentage point higher than the administration supported, there remains a substantial gap between public and private sector pay. Those attending the NTEU 2002 Legislative Conference emphasized to their legislators the negative impact of this continuing gap on federal recruiting and retention efforts. They pressed for the implementation of the Federal Employees Pay Comparability Act (“FEPCA”), a law designed to close the public-private pay gap that has not been fully implemented since its passage more than a decade ago. Attendees of the conference stressed the need for civilian pay parity with members of the military. The administration has proposed a 4.1 percent pay raise for military personnel in fiscal year 2003, which NTEU supports, but only a 2.6 percent pay raise for federal civilian employees.

Contracting Out Federal Jobs

Attention to this ongoing issue is a NTEU priority because of the administration’s continuing drive to increase the number of federal jobs contracted to the private sector, despite any meaningful information about the real cost and effectiveness of doing so. Agencies face an administration directive to contract out more than 127,000 federal jobs through the end of fiscal year 2003 alone. That directive was issued even though the contractor workforce, at some six million, is already triple the size of the federal workforce. This costs taxpayers more than \$120 billion, which far exceeds the total pay and benefits of federal workers. NTEU is the leader in calling for an end to federal contracting out absent true accountability, and urging instead that agencies have the resources they need to accomplish their missions.

Agency Funding Needs

Increasingly, federal agencies find themselves with expanding and in some cases new responsibilities, but without the funding to meet both these new mandates and their traditional duties. Conference participants emphasized that this “resource gap” hurts not just agencies and their employees, but the nation as well. Thanks in large part to NTEU’s national and grassroots efforts, the 2002 Treasury appropriations bill, signed nearly a month after the start of the fiscal year, provided funding for many NTEU represented agencies beyond that initially proposed by the administration. Nonetheless, the message carried by delegates to Capitol Hill was that funding levels continue to fall short of agency needs across government. This affects not just agency programs, but the ability of the government to provide the training that employees need in order to compete fairly with the private sector and to retain high-quality workers, as well as to attract others to government service.

If you have any questions regarding any of the legislative initiatives outlined or have any other concerns or comments, please contact Judy Grundy, legislative coordinator for NTEU 245, at 308-9106 ext. 296 or visit NTEU’s website at www.nteu.org.



UPDATE ON THE E-COMMERCE PILOT PROGRAM

Law Offices 102, 110, and 112 continue to serve as the offices participating in the E-Commerce Pilot Program, which began in August of 2000 pursuant to the written agreement and guidelines reached during the interest-based bargaining ("IBB") process. A working group, consisting of both management and bargaining-unit members, continues to oversee the implementation of, and review the success of, the pilot. Both management and our bargaining unit remain committed to making the pilot a success.

E-Commerce offices are staffed by attorneys who volunteer to work in an environment which tests new processes that optimize the use of technology to improve service, provides a model for the office of the future, and will change the way we do business. These attorneys are learning new technology-based work processes, such as communicating with and sending office actions to applicants via email, and reviewing electronically received responses. In some instances, this has required attorneys to develop and utilize new skills, such as setting up Outlook tools, organizing and managing Word documents, customizing Word templates, and developing and attaching .jpg files containing supporting evidence. These offices handle only new 78-series files (those applications filed via the Trademark Electronic Application System -- "eTEAS"), and encompass all 45 classes of goods and services. These offices do not transfer compending/companion files, and do not receive transfers. Thus, the attorneys handle files in nearly every industry and field of goods and services, and often coordinate with colleagues in order to assure consistency.

The office uses the pilot to encourage customers to use both the resources made available at our website as well as the online application process — eTEAS. The office's ultimate goal is to accept all new applications via eTEAS. Each law office has an official e-mail address to which applicants must send e-mailed responses to office actions and other correspondence. Providing the means for filing electronically has meant providing a new population with the means to do business with the office, which includes a large number of pro se applicants and non-trademark attorneys. As they are often not aware of our substantive and procedural requirements, rendering quality service to this new crop of customers has presented challenges for our attorneys. Challenges for our attorneys have included gathering and generating communications containing digital evidence, examining application data in several new formats, utilizing e-mail addresses designated for correspondence, and devising new form paragraphs and autotext to address particular situations. Dealing with pro se applicants is another challenge; these applicants are usually not familiar with the laws and procedures involved in registering a trademark, and our attorneys often spend significant amounts of time explaining various requirements to them.

Both managers and our bargaining unit members have been learning as the pilot progresses, and we have been collaborating on and sharing ideas for significant improvements. New templates and tools (such as auto replies and icons to copy and paste a document into an e-mail format in one step) are being developed constantly, many as a result of suggestions from our attorneys. For example, office action templates were reformatted so as to transmit with a more professional appearance. In addition, a tool is being developed to "drop in" certain information from TIGRS into Word templates, thereby minimizing "returned undeliverable" e-mails and eliminating the need for attorneys to type each e-mail address by hand.

Some electronic filers do not authorize the office to communicate with them electronically, and certain situations currently do not lend themselves to sending actions electronically. But through increased customer education, internal training, and the rollout of enhanced computer-based tools, we are widening the scope of applications that are capable of being easily and efficiently handled in this fashion. By learning and working with the E-Commerce processes, our attorneys have found that they help save time and add to a high-quality work product. In recognition of the fact that they handle all goods and are implementing computer-based tools and processes, attorneys participating in these offices work under a production adjustment of 10 percent.

The proportion of new applications that are electronically filed continues to increase, and the number of positive comments the office receives continues as well. Many traditional firms who

initially expressed reluctance to file electronically are beginning to do so, and first-action pendency is down, as it is in the other law offices. Currently no new attorneys are being assigned to the E-Commerce offices. However, the working group maintains a waiting list of attorneys who expressed an interest in the past, and we will keep you posted on any changes that might increase the number of attorneys working in E-Commerce offices.

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TRADEMARK WORK AT HOME PROGRAM

The Trademark Work at Home Program ("TWAH") marked its second full year as a full production program in February 2002, and currently includes 110 participants. The final deployments of this fiscal year are in progress, and upon completion, nearly 29% of the bargaining unit will be participating. The TWAH "hoteling" pilot in Law Office 116 has been running since November 2001, and the six-month pilot study period will be ending in May. The TWAH working group has already conducted a focus-group session with the members of Law Office 116, and additional applications were accepted, bringing the total number of "hotelers" to 23. The pilot participants, along with management, overall are very pleased with the program.

In anticipation of discussions regarding the expansion of hoteling and the future of the TWAH program, NTEU 245 has surveyed the entire bargaining unit to assess the views and preferences of those who currently work at home as well as those who remain interested in participating. The TWAH working group has begun laying the framework for the expansion of the hoteling concept to the remaining TWAH participants in their own law offices. Hoteling will include reduction in the number of hours spent in the office each week, coupled with the use of reservable office space by participants on each floor. Rollout of the "in law office" hoteling concept is not expected before the beginning of next fiscal year.

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ISSUES RELATED TO THE MOVE TO THE CARLYLE CAMPUS IN ALEXANDRIA

UNION PRESENTS RECOMMENDATIONS ON OFFICE DECOR

The Office of Space Acquisition and NTEU 245 and 243 presented to the Deputy Under Secretary their recommendations of paint, carpet and trim colors for all private offices and common areas on the typical floors at the new Carlyle Campus. The Deputy Under Secretary agreed to move forward with the color selection. The recommended scheme was selected from several color palates presented to the committee by the Gensler Design Group. If you have any questions, or if you would like to see the finishes, please contact Deirdre Gillis, Bradley Cook, or April Rademacher.

TRANSPORTATION AND PARKING ISSUES

A briefing regarding transportation and parking at the new facility was held on February 27, 2002. The current condition of the parking garage is as follows:

- Trademarks will be located in Building A. There are two garages (the “Elizabeth” and the “Carlyle”) on either side of Building A. Each garage will have seven levels of parking with a flat floor design, which incorporates a slight slope ramp.
- There will be approximately 3500 total parking spaces for both Trademarks and Patents. Currently we have 2325 parkers in the entire USPTO parking system. This number does not include day parkers.
- Spots will be available on the first three levels for handicap and oversized vehicles.
- The Elizabeth garage will have three lanes in or out with no ramp off Eisenhower and the Carlyle garage will have four lanes in or out with a ramp off Eisenhower. These lanes will be designated “in” or “out” based on times and traffic.
- There will be a card key entrance and the garage will be able to be “locked down” at any time. In addition, cameras will be installed in the garages.
- There will be approximately 30-40 half-width spots for motorcycles and also a bicycle parking area. The bicycle area will contain racks and will accommodate approximately 40-50 bicycles. It also will have a key entry and will be in the Elizabeth garage. There will be shower/changing facilities in Building B.
- A final parking policy will not be made until the buildings have been inhabited for a while.

Regarding Metro transportation, riders may exit at either the King Street Metro stop or the Eisenhower Metro stop. The walk from the King Street stop to the new building has some coverage and a shuttle is currently running. The Eisenhower Metro stop is probably closer to our building (Building A) and is about an eight-minute walk with no coverage. No shuttle is currently running from the Eisenhower stop. Shuttle services will not be proposed from the Eisenhower stop, as the distance from the station is less than ½ mile. However, a “shopping” type shuttle may be provided at a later date.

Some of our concerns to be addressed in the future include whether there are enough parking spaces, the security of the garage, and pricing.

If you have any ideas or comments about the new parking garages or transportation issues, please see Patti Horrall in Law Office 106 (NTB).

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NTEU 245 -THE TRADEMARK SOCIETY

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