



# NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

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## FOR IMMEDIATE RELEASE

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### **National Academy of Public Administration Releases Report On U.S. Patent and Trademark Office Telework Program**

WASHINGTON, D.C. — The United States Patent and Trademark Office (USPTO) of the United States Department of Commerce should continue its telework program while enhancing its management practices, and continuing its quality initiative, according to a report issued today by the National Academy of Public Administration (the Academy).

As part of its recruitment and retention strategy, the USPTO has adopted innovative workplace strategies designed to make working at the Agency more attractive, including instituting a corporate-wide telework program. Currently, most of the USPTO workforce—including trademark and patent examiners and many of their supervisors—have the ability to work off-site and the flexibility, within certain parameters, to choose a work schedule that accommodates their needs. The USPTO's leadership in adapting this program to the needs of a 21<sup>st</sup> century government agency has paved the way for adoption of telework at other federal agencies. In recent years, the USPTO has consistently ranked among the highest in the "Best Places to Work in the Federal Government" survey issued by the Partnership for Public Service, in part because of telework.

At the request of the USPTO, the Academy formed an independent Panel to examine its telework operations and management, and its Time and Attendance (T&A) process to ensure that internal controls are in place. A Panel of five Academy Fellows working with a professional study team was supported by experts from Grant Thornton who conducted the Telework and Time and Attendance Internal Controls Review. Over the course of the nine-month review, the Panel received broad input from a wide range of external and internal stakeholders, including USPTO executives and employee groups. As part of this review, the Academy team also surveyed all Supervisory Patent Examiners (SPEs) to develop a current picture of the supervisors' perspective on whether recent training and policy improvements have been beneficial to the USPTO.

The Panel determined that the telework program has provided important benefits to the USPTO, including saving money, enhancing employee quality of life, potentially increasing recruitment and retention, and ensuring on-going work during emergencies. The Panel found that the USPTO has the controls in place to manage time and attendance for both on-site workers and teleworkers. The Panel recommended that the USPTO continue its Telework and Hoteling Programs, while enhancing oversight mechanisms and strengthening its management practices. The Panel issued over 30 recommendations on how the USPTO could further enhance the telework program.

“The USPTO has a critical mission of protecting intellectual property, essential to the effective functioning of our economy, by examining applications for patents and trademarks,” said Panel Chair David Chu. “By implementing the Panel’s recommendations, the USPTO can ensure that telework continues to be of benefit to the agency and its employees in accomplishing the USPTO’s critical mission, and also strengthen its performance, confirming USPTO’s leadership role in exploring alternative approaches to carrying out the functions of our federal government.”

Specific recommendations for the USPTO include:

- Management should continue to review the procedures with supervisors to ensure that they are using available tools to confirm that employees are actively engaged in patent examination, and should examine impediments and concerns raised by supervisors about being able to do their jobs effectively.
- The USPTO should continue to provide refresher training on the management guidance concerning Time and Attendance.
- The USPTO should establish separate probationary/conditional periods for beginning full-time teleworkers. Full-time teleworkers should be required to maintain “fully successful” status for two years after completing their training in order to continue being eligible for full-time telework. Teleworkers should re-sign their teleworking agreements every two years to acknowledge acceptance of current telework policies and procedures.
- The USPTO should continue to focus on developing ways to measure the quality of the examination process to target areas for training and to provide indicators of activities in the process that might lead to improvements in the quality of patents. The USPTO can leverage its new Patent Quality Initiative as the foundation for this review. Quality should be continually assessed. The USPTO should perform an in-depth review of production standards for all of the 600-plus art units to determine if they are set at appropriate levels, and make adjustments, as needed.

The full report can be found [here](#) and at <http://www.napawash.org>

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