

NTEU-PTO BARGAINING UPDATE

NTEU 245 is negotiating the first new collective bargaining agreement for Trademarks and TTAB in 23 years. After 10 weeks of bargaining and more than 30 all-day sessions, NTEU secured management's agreement to several important employee rights and benefits. However, several issues remain in dispute and NTEU continues to push back against proposals that would harm employees. Here are highlights:

SUCCESSSES

- NTEU overcame the Office's attempt to impose higher performance standards on part-time employees and reaffirmed the Office's agreement to allow up to 60 part-time employees.
- NTEU and the Office formalized a process to engage in partnership to discuss proposed changes to important workplace issues before they are implemented. This process has proven successful.
- NTEU secured access to the Office's intranet to post policies and agreements in a centralized location for easier employee access.
- NTEU clarified the right to engage in outside employment if approved through the Department of Commerce pre-clearance process.

OUTSTANDING ISSUES

Management has proposed:

- Reducing the current parental leave entitlement from nine months (using a combination of available paid leave and leave without pay) to six months. The Office backtracked from this planned change following a bargaining unit meeting on Jan. 24.
- A change to the Office's leave request process requiring employees to request sick leave by 9 a.m., ET, and to receive permission before stopping working when sick. NTEU proposes that employees be permitted to request any form of available leave at any point before T&A submissions are due so long as such timing is not disruptive to operations.
- The right to remove employees from IFP schedules based on "operational needs," or an employee being less than "fully successful." NTEU does not agree that management should be removing employees from IFP.
- Changing the end of the Office's operational hours from midnight to 10 p.m. For scheduling flexibility purposes, NTEU wants to maintain the current hours.
- Adding one-way procedural pitfalls in the employee grievance and arbitration process.

NTEU has proposed:

- Following President Biden's executive orders requiring enhanced union involvement in work changes and granting additional benefits such as expanded leave for voting. So far, the Office has refused.
- A continuation of the Office's historic commitment, currently in the contract, to announce training opportunities, seek CLE credit for Office-provided trainings, provide reimbursement for other CLEs if funds are available, and allow employees 40 hours of annual training time.
- Employees continue receiving career ladder promotions if their last annual appraisal was "fully successful." The Office wants discretion to deny career ladder promotions.
- Granting internal promotion candidates preference over external applicants.
- Trial period employees receive clear notice before termination to minimize the harm to their careers.
- Continuation of Employee Assistance Programs (EAP).

NEXT STEPS

NTEU and the Office are close to requesting assistance from the Federal Mediation and Conciliation Services—which occurs once impasse is reached on all disputed articles in the contract. If the impasse issues are not resolved with the help of a mediator, either NTEU or PTO may file a request for assistance with the Federal Service Impasses Panel. The Panel has the authority to investigate the dispute and order a procedure to resolve outstanding issues, even if it must impose contract language. The mediation and impasse resolution process is expected to last for several more months. If a voluntary agreement is reached on all terms, the contract must be ratified by NTEU members and approved by the agency head before it becomes effective.

HOW YOU CAN HELP

NTEU is significantly stronger at the bargaining table when we have more members. Through collective bargaining, NTEU has delivered many of the programs, benefits and rights you value in your workplace. With your support, we can protect these gains and deliver more during these ongoing negotiations. It's simple: more members means more clout when dealing with management. [Learn](#) about NTEU and the role of a union in the federal workplace.

Ready to show your support? [See how easy it is.](#) Remember, bargaining unit employees are eligible to join NTEU as soon as they begin working at the Office.

Employees are encouraged to provide their personal experiences related to the disputed provisions of the CBA to any member of your bargaining team (see below). NTEU can use those experiences to persuade management or, if necessary, the Panel, that ours are the better proposals.

NTEU BARGAINING TEAM

Chapter 254 bargaining members are represented at the bargaining table by:

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