



## UNITED STATES PATENT and TRADEMARK OFFICE

UNDERSECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231

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### **MEMORANDUM FOR ALL EMPLOYEES**

**FROM:** Director, Office of Human Resources

**SUBJECT:** Increased Flexitime Policy

Effective October 22, 2000, the Increased Flexitime Policy will be available to all employees at the U.S. Patent & Trademark Office.

The Increased Flexitime Policy is a type of flexible work schedule that allows a full-time employee to complete the basic work requirement of 80 hours for the biweekly pay period in less than 10 full workdays. An employee may vary the number of hours worked on a given workday or the number of hours worked each week within the limits established for the organization.

The advantages of this program are that employees may vary the number of hours worked each day (can be less than 8 but no more than 12) and the days worked each week, as long as they meet the basic 80-hour requirement for the biweek. In addition, employees may work as few as 3 weekdays per week (Monday-Friday) in combination with one weekend day (Saturday-Sunday). Further, employees may work regular hours until 10:00 p.m.

For purposes of this policy, a workweek will consist of seven consecutive days, beginning Sunday and ending Saturday. Employees working under the Increased Flexitime Policy may determine their work schedule within the limits set forth below:

- ◆ USPTO's business hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. However, regular work hours (i.e., the hours in which an employee may work) will be between the hours of 5:30 a.m. and 10:00 p.m., Monday through Friday, and either Saturday or Sunday. Employees may choose to work regular hours on one weekend day, in lieu of a weekday, per week of a biweek.
- ◆ During the work hours of 5:30 a.m. and 10:00 p.m., Monday through Friday, and either Saturday or Sunday, an employee may claim overtime, compensatory time, or credit hours after they have met the 80-hour biweekly work requirement. Sick leave, annual leave, compensatory time, or credit hours used count toward the 80-hour requirement. If the 80-hour requirement is not met, the overtime, compensatory time, or credit hours worked will be credited as regular time.

- ◆ Employees must work a minimum of 4 workdays per week. The hours may be any combination of regular hours or approved leave. An employee must work their regular 80-hour schedule over a minimum of 8 days during the biweek. An employee may work less than 8 hours in a day and still meet this requirement.
- ◆ In any given biweek, employees may choose to work regular hours on one weekend day per week. Therefore, employees may choose to work the last Saturday of the first biweek and the first Sunday of the second biweek.
- ◆ The maximum work time is 12 hours. Time will be reported in 15-minute increments. Employees are responsible for keeping track of their own time.
- ◆ An employee may mid-day flex. This means that an employee may work more than one work period during the same day.
- ◆ Under the Government's flexible work schedule requirements, holiday pay is limited to 8 hours. Employees will only receive 8 hours per holiday toward their 80-hour work requirement for the pay period.
- ◆ Participation in the Increased Flexitime Policy is voluntary and is contingent upon an employee maintaining at least "Fully Successful" performance.

Some restrictions apply. Employees who participate in the Increased Flexitime Policy work schedule must coordinate their work schedules to ensure that necessary coverage is maintained. Employees are required to attend training and meetings as long as reasonable advance notice is given.

Some employees may not participate in the Increased Flexitime Policy program, due to the nature of their jobs, requiring their presence during USPTO business hours or to ensure office coverage.

Employees must notify their supervisor if they will be absent on a weekday. The employee is required to leave "out of office" notices on their E-mail and phone, as appropriate.

Attached are procedures regarding the implementation of this program and the specific details of each of the limits set forth. If you have any questions, you may E-mail or call Kathy San Pietro or Amy Wanko, Employee Relations Specialists, Office of Human Resources, at (703) 305-8121.

Sydney T. Rose

**INCREASED FLEXTIME POLICY**  
**FOR ALL**  
**EMPLOYEES OF THE U.S. PATENT & TRADEMARK OFFICE**

Background:

The Increased Flexitime Policy is endorsed by Q. Todd Dickinson, Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent & Trademark Office, and is consistent with the President's guidance to establish programs to encourage and support the expansion of flexible family-friendly work arrangements.

The Increased Flexitime Policy is designed to permit managers and supervisors to be able to achieve their program goals while simultaneously allowing their employees to have more flexibility in scheduling their personal activities. As our employees gain greater control over their time, they can be more efficient in balancing their work and family responsibilities.

Implementation:

The Increased Flexitime Policy will be available to all employees (with some restrictions) beginning October 22, 2000. The Participation in this work schedule is entirely voluntary. No employee will be required to participate. Other policies and agreements remain in effect (e.g., AWS).

Business Unit leaders are responsible for the overall administration of the Increased Flexitime Policy. Their responsibilities include developing the operating parameters of the Increased Flexitime Policy for their respective organizations.

Increased Flexitime Policy:

Under the Increased Flexitime Policy, the workweek will consist of seven consecutive days, beginning Sunday and ending Saturday. The Policy is a flexible work schedule wherein a full-time employee has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set forth below:

- Work hours will be between the hours of 5:30 a.m. and 10:00 p.m., Monday through Friday, and either Saturday or Sunday. (This requirement means that an employee may start normal work as early as 5:30 a.m. and work as late as 10:00 p.m.)

- During the work hours of 5:30 a.m. and 10:00 p.m., Monday through Friday, an employee may only claim overtime, compensatory time, or credit hours after they have met the 80-hour biweekly work requirement. Sick leave, annual leave, compensatory time, and credit hours used count toward the 80-hour requirement.
- The minimum number of days worked per week is four (4) days. This flexibility means that employees must work four days, but may work those days with the maximum of 12 hours. The hours may be any combination of regular hours or approved leave. For example, an employee might work: 10 hours on Monday; 10 hours on Tuesday; 10 hours on Wednesday; 10 hours on Thursday; or 4 hours on Monday; 12 hours on Tuesday; 12 hours on Wednesday; 12 hours on Friday.
- Employees may choose to work regular hours on one weekend day per week in a biweek. This flexibility means that employees can choose to work either Saturday or Sunday, in lieu of a regular weekday, per week. Employees may choose to work the last Saturday of the first biweek and the first Sunday of the second biweek. For example, an employee might work: 10 hours on Monday; 10 hours on Tuesday; 10 hours on Wednesday; 10 hours on Saturday; **and** 10 hours on Sunday; 10 hours on Wednesday; 10 hours on Thursday; 10 hours on Friday.
- The maximum work time is 12 hours, (which does not include the required 30-minute lunch break resulting in 12 hours and 30 minutes). Work will be accrued in hours and 15-minute increments. This flexibility means that an employee could choose to vary the number of hours and minutes worked each workday as long as 80 hours is accrued by the end of the pay period. For example, an employee might work: 8 hours on Monday; 8 hours on Tuesday; 4 hours on Wednesday; 9 hours on Thursday; 11 hours on Friday; **and** 12 hours on Monday; 12 hours on Tuesday; 12 hours on Wednesday; 2 hours on Thursday; 2 hours on Friday, for a total of 80 hours.
- An employee may work mid-day flex. This flexibility means that an employee may work more than one work period during the same workday. For example, an employee may work 5:30 a.m. to 9:30 a.m., and also from 6:00 p.m. to 10:00 p.m., for a total of 8 work hours.
- Under the Government's flexible work schedule requirements, holiday pay is limited to 8 hours. This requirement means that employees participating in the Increased Flexitime Policy will receive 8 hours of holiday pay to be reported on the day that the Government designates as the holiday. If employees choose to work on holidays, the first 8 hours worked will be paid at holiday pay rate. Any work performed after the first 8 hours will be considered overtime.
- Participation in the Increased Flexitime Policy is contingent upon an employee maintaining at least "Fully Successful" performance. This

requirement means that any employee may be prevented from participating in the Increased Flexitime Policy if their work performance is deemed to be at the Marginal or Unacceptable level in any of the critical elements of their Performance Appraisal Plan.

- Some restrictions will apply to the Increased Flexitime Policy Program, as determined by the Head of the organizations. Due to the nature of their work, some employees will be prevented from participating in this program, for example employees that are required to be present at work during specific operational hours.
- Overtime hours are applicable after the employee has met the 80 hour biweekly work requirement, with the exception of holidays.
- Employees must notify their supervisor if they will be absent on a weekday. The employee is required to leave “out of office” notices on their E-mail and phone, as appropriate.