

**SF-83 SUPPORTING STATEMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Examiner Employment Application
(formerly Patent Examiner Employment Application –
Job Application Rating System (JARS))
OMB Control Number 0651-0042**

A. JUSTIFICATION

1. Necessity of Information Collection

The USA Staffing system provided by the Office of Personnel Management (OPM) is an automated on-line system that allows the United States Patent and Trademark Office (USPTO) to rapidly review applications for employment of entry-level patent examiners. The Office of Human Resources (OHR), armed with a recommendation from a Supervisory Patent Examiner (SPE) can, in turn, rapidly make an offer of employment and support hiring actions with necessary administrative action. In FY2007, USA Staffing enabled the Patent Corps to hire more than 1,216 entry-level patent examiners.

Since the inception of USA Staffing in January 2007, the OHR processes have become more effective and compliant with the examining requirements established by OPM. In the current employment environment, information technology professionals and engineering graduates are in great demand. The USPTO is in direct competition with private industry for the same caliber of candidates with the requisite knowledge and skills to perform patent examination work. Consequently, it is imperative that every available technology be employed if the USPTO is to remain competitive, meet the hiring goal, and fulfill the agency's Congressional commitment to reduce the pendency rate for the examination of patent applications. The information supplied to the USPTO by an applicant seeking a patent examiner position with the USPTO assists the Human Resources Specialists and hiring managers in determining whether an applicant possesses the basic qualifications for a patent examiner position.

USA Staffing provides the USPTO with a user-friendly on-line employment application process for entry-level patent examiner applicants and enables the USPTO to process hiring actions in an efficient and timely manner. The on-line application provides an electronic real-time candidate inventory that allows the USPTO to review applications from potential applicants almost instantaneously. Given the immediate hiring need of the Patent Examining Corps, time consumed in the mail distribution system or paper review of applications delays the decision-making process by several weeks. The USA Staffing system results in increased speed and accuracy in the employment process, in addition to streamlining labor and reducing costs.

The use of the USA Staffing on-line application fully complies with 5 U.S.C. § 2301, which requires adequate public notice to assure open competition by guaranteeing that necessary employment information will be accessible and available to the public on

inquiry. It also is fully compliant with Section 508 (29 U.S.C. § 794d), which requires agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

Although USA Staffing provides the USPTO a user-friendly on-line employment application process for entry-level patent examiner applicants, it is not an official USPTO form. Therefore, Form PTO-2041, Patent Examiner Employment Application – Job Application Rating System (JARS), is being eliminated from this collection.

2. Needs and Uses

The use of the on-line application provides a user-friendly electronic real-time candidate inventory that allows management to review applications from potential applicants almost instantaneously. The information supplied to the USPTO by an applicant seeking a patent examiner position assists the Human Resources Specialists and hiring managers in determining whether or not an applicant possesses the basic qualifications for that position.

The Information Quality Guidelines from Section 515 of Public Law 106-554, Treasury and General Government Appropriations Act for Fiscal Year 2001, apply to this information collection and comply with all applicable information quality guidelines, *i.e.*, OMB and specific operating unit guidelines.

This proposed collection of information would result in information that will be collected, maintained, and used in a way consistent with all applicable OMB and USPTO Information Quality Guidelines.

Table 1 outlines how the information for the Patent Examiner Employment Application is used by the public and by the USPTO. No forms are associated with this collection.

Table 1: Needs and Uses of the Patent Examiner Employment Application

| Form and Function | Form # | Needs and Uses |
|--|--|---|
| Patent Examiner Employment Application | No PTO Form associated Application administered through the USA Jobs website | <ul style="list-style-type: none"> • Used by the public to apply for a position as a patent examiner. • Used by the USPTO to rate applicants for a patent examiner position. • Used by the USPTO to expedite the hiring process. |

3. Use of Information Technology

With the use of USA Staffing, the application information is collected electronically from the applicant. Applicants contact the OPM USA Jobs website where they will find the on-line job announcement that links them to the application. The application is completed on-line and then transmitted to the USPTO via the Internet. For those applicants who do not have access to a personal computer, applications may be faxed to the OPM computer facility for processing.

Each applicant who accesses USA Staffing to electronically submit an employment application receives instant confirmation regarding their submission. After the application is submitted, it will be reviewed for completeness. With USA Staffing, reviewers can view qualified employment applications accompanied by electronic images of supplemental documentation stored with the on-line application. If the application is complete, the applicant will receive a confirmation. If the application is incomplete, the applicant is provided e-mail notification of the deficiency.

It should be noted, however, that not every applicant could supply all of the required information electronically. For example, in order to apply for a patent examiner position, the applicant must possess a minimum of a bachelor's degree. An official college transcript must be submitted separately with this application and is mailed to the USPTO. The college or university transcript must be an official/original copy and include the university stamp or seal.

USA Staffing allows the USPTO to carry out its mission by providing a streamlined and integrated approach to human resource management and support for business process improvements. Benefits of the system include reduced overall time from the initiation of a request for employment to completion of a re-scored listing, elimination of paneling costs paid to another agency, near instantaneous return of certificates, and automated protection of veteran's hiring preferences.

4. Efforts to Identify Duplication

Every applicant who submits an application for employment through USA Staffing will receive a unique system-generated identification number. Since an application for employment can only be filed through USA Staffing, no duplication of effort or information collection is seen.

5. Minimizing the Burden to Small Entities

This information is requested by the USPTO and is the minimum needed to process the patent examiner employment application. This collection of information does not impose a significant economic impact on small entities or small businesses. The same information is required of every applicant and is not available from any other source.

6. Consequences of Less Frequent Collection

This information is collected only when the applicant is applying for a position within the USPTO. Therefore, this collection of information could not be conducted less frequently.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultation Outside the Agency

The 60-Day Notice was published in the *Federal Register* on March 17, 2008 (73 Fed Reg. 52). The public comment period ended on May 16, 2008. No public comments were received.

The USPTO meets regularly with groups from who patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, inventor groups, and users of our public facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by the public or organizations concerning the time required to provide the information required under this program.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary in order to obtain a patent examiner position within the USPTO.

10. Assurance of Confidentiality

The OPM and other Federal agencies such as the USPTO rate applications for Federal jobs under the authority of Sections 1104, 1302, 3301, 3304 and 8716 of Title 5 of the United States Code. The information in this collection will be treated confidentially to the extent allowed by law under the Freedom of Information Act (FOIA) and the Privacy Act. The information from the on-line application and the vacancy announcements is used to determine suitability for Federal employment and to evaluate individual qualifications.

11. Justification for Sensitive Questions

The questions provided in this on-line application are used to determine suitability for employment with the Federal Government. Also, patent examiners must possess good moral character and reputation in order to represent patent applicants. Asking these questions on the on-line application facilitates the hiring process by identifying any situation that could potentially disqualify an applicant from Federal employment. Because of the volume of applications received and the number of applications that must be processed in order to hire over 1,200 patent examiners, asking these questions up front reduces the burden on the part of the hiring manager, the recruitment staff, and the employee relations branch in terms of screening individuals who have suitability restrictions or who have falsified their applications.

Individual managers conduct reference checks after an applicant has been referred to them on an eligibility document generated through USA Staffing from the on-line application.

12. Estimate of Hour and Cost Burden to Respondents

Table 2 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- Respondent Calculation Factors**
 The USPTO estimates that approximately 7,000 electronic employment applications will be received annually.
- Burden Hour Calculation Factors**
 The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours), to gather and prepare the necessary information, and submit the electronic employment application.
- Cost Burden Calculation Factors**
 The USPTO estimates that the candidate pool or users of the USA Staffing system are scientists and engineers, whose median salary rate is \$38.44 per hour, according to the Bureau of Labor Statistics. This is a fully-loaded hourly rate.

Table 2: Burden Hour/Burden Cost to Respondents for the Patent Examiner Employment Application

| Item | Hours (a) | Responses (yr) (b) | Burden (hrs/yr) (c) (a) x (b) | Rate (\$/hr) (d) | Total Cost (\$/hr) (e) (c) x (d) |
|--|--------------|--------------------------|--|------------------------|---|
| Patent Examiner Employment Application | 0.5 | 7,000 | 3,500 | \$38.44 | \$134,540.00 |
| Total | - - - - | 7,000 | 3,500 | - - - - | \$134,540.00 |

13. Total Annualized (Non-hour) Cost Burden

There are no capital start-up, maintenance, or record keeping costs, as well as no filing fees associated with this information collection. There is, however, non-hour cost burden due to postage costs.

Not every applicant can supply all of the required information electronically. The applicant does have the option to submit a 'Paper Qualifications Questionnaire' and any supporting documents, such as resumes and college transcripts, to the USPTO either by fax, mail or in person. These additional documents may be submitted to the USPTO by first-class mail through the United States Postal Service. The USPTO estimates that the average first-class postage for this purpose is \$1.00. Therefore, the USPTO estimates that it will receive 7,000 responses per year, for a total cost of \$7,000 (7,000 x \$1.00) in postage fees.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-12, step 4, approximately 1 hour to process an electronic employment application, depending on the situation. The hourly rate for a

GS-12, step 4, is currently \$36.77 according to the U.S. Office of Personnel Management's (OPM's) wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the rate per hour for a GS-12, step 4, is \$47.80 (\$36.77 + \$11.03).

Table 3 calculates the processing hours and costs for a patent examiner employment application to the Federal Government.

Table 4: Burden Hour/Burden Cost to the Federal Government for Patent Examiner Employment Application

| Item | Hours (a) | Responses (yr) (b) | Burden (hrs/yr) (c) (a) x (b) | Rate (\$/hr) (d) | Total Cost (\$/hr) (e) (c) x (d) |
|--|--------------|--------------------------|--|------------------------|---|
| Patent Examiner Employment Application | 1.0 | 7,000 | 7,000 | \$47.80 | \$334,600.00 |
| Total | - - - - - | 7,000 | 7,000 | - - - - - | \$334,600.00 |

The USPTO has annual maintenance costs with regard to the software license and the maintenance of USA Staffing. The USPTO projects that it will cost approximately \$148,000 per year to maintain the software license. The USPTO also projects that it will cost approximately \$170,000 per year to maintain USA Staffing-provided training and support.

The USPTO believes that the combined annual maintenance costs will total \$318,000, for a total cost to the USPTO of \$652,600 for collecting this information.

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this collection in October of 2005 with a total of 7,000 responses and 3,500 burden hours. With this renewal, the USPTO estimates that the annual responses and burden hours will remain the same.

The hourly rate for the candidate pool or users of the on-line employment application system has been brought up to date from \$31.50 in the previous renewal to the present \$38.44.

The USPTO estimates that the total annual (non-hour) cost burden will increase by \$2,800 for this renewal, from \$4,200 currently reported on the OMB inventory to the present \$7,000 per year. The increase is due to an increase in postage costs.

Although USA Staffing provides the USPTO a user-friendly on-line employment application process for entry-level patent examiner applicants, it is not an official USPTO form. Therefore, Form PTO-2041, Patent Examiner Employment Application – Job Application Rating System (JARS), is being eliminated from this collection.

Change in Burden Estimates Since the 60-Day Notice

There has been no change to the estimated responses and burden hours since the publication of the 60-Day Notice.

The 60-Day Notice reported total (non-hour) cost burden in the amount of \$6,790. (Non-hour) cost burden is being increased in this submission to \$7,000 due to new postage rates.

Change in Respondent Cost Burden

The USPTO believes that the candidate pool or users of the on-line employment application system are scientists and engineers, whose median salary rate is \$38.44 per hour. The hourly rate has been brought up to date from \$31.50 in the previous renewal to the present \$38.44. As a result of the increase in the billing rate, this information collection reports a total increase in the cost to respondents of \$24,290.

Changes in Annualized (Non-hour) Cost Burden

For this renewal, the USPTO estimates that the total annual non-hour costs will increase by \$2,800, from \$4,200 currently reported on the OMB inventory to the present \$7,000 per year. The currently approved annualized (non-hour) cost burden includes only mailing costs at a rate of 60 cents. Since that time there has been an increase in the cost of first class postage to \$1. **Therefore, this collection has an increase in annualized (non-hour) cost burden in the form of postage costs of \$2,800 as an administrative adjustment.**

16. Project Schedule

There is no plan to publish this information for statistical use.

17. Display of Expiration Date of OMB Approval

There are no USPTO forms in this information collection. Therefore, the display of the OMB Control Number and the expiration date is not applicable.

18. Exception to the Certificate Statement

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

References

- A. USPTO Information Quality Guidelines
- B. 60-Day Notice published in the *Federal Register* on March 17, 2008 (73 Fed Reg. 52)