

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Examiner Employment Application
OMB CONTROL NUMBER 0651-0042
July 2011

A. JUSTIFICATION

1. Necessity of Information Collection

In 2007, the United States Patent and Trademark Office (USPTO) implemented the Office of Personnel Management (OPM) USA Staffing system as an automated hiring system for recruiting candidates as patent examiners. In FY 2010 and FY 2011, USA Staffing enabled the Patent Corps to hire more than 1,000 entry-level patent examiners. In 2011 the USPTO decided to transition from USA Staffing to Monster Hiring Management (MHM) provided by Monster Government Solutions. MHM is also an automated system that allows the USPTO to rapidly accept, review, qualify, and refer candidates for employment into entry-level patent examiner positions. Once selections for these positions are submitted in MHM electronically, the Office of Human Resources (OHR) can access this information to extend job offers and initiate on-boarding procedures. 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 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.

Monster Hiring Management provides applicants with a user-friendly application process and enables the USPTO to carry out recruitment efforts in an efficient and timely manner. The automated application submissions create 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 MHM system results in increased speed and accuracy in the recruitment process, in addition to streamlining labor and reducing associated costs.

Use of the Monster Hiring Management automated hiring system 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. § 794(d)), which requires agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

2. Needs and Uses

The use of automated application submissions 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 this information collection and its supporting statement 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 Web site)	<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 Monster Hiring Management, the application information is collected electronically from the applicant. Applicants visit the OPM USA Jobs Web site where they will find the job announcement that links them to the Monster Hiring Management system. The application is completed and then transmitted to the USPTO via the Internet. Applicants who do not have access to a computer should contact OHR prior to the closing date of the announcement so appropriate accommodations can be made for their application submission.

Each applicant who submits an electronic employment application through MHM receives instant confirmation of their submission. After the application is submitted, it will be reviewed for completeness. With the MHM system, 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's qualifications will be reviewed. If the application is incomplete, the applicant receives an e-mail notification of the deficiency.

It should be noted, however, that not all of the required information can be provided electronically. For example, in order to apply for a patent examiner position, the applicant must possess a minimum of a bachelor's degree. An unofficial college transcript must be submitted with this application to determine qualifications. However, an original official transcript with the university stamp or seal must be submitted to the USPTO by first-class mail through the United States Postal Service prior to the entry on duty.

The Monster Hiring Management system 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 Veterans' hiring preferences.

4. Efforts to Identify Duplication

Every applicant who submits an application for employment through Monster Hiring Management will receive a unique system-generated identification number. Since an application for employment can only be filed through MHM, 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 1, 2011 (76 Fed Reg. 11206). The public comment period ended on May 2, 2011. 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 1,000 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 Monster Hiring Management 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 10,000 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 Monster Hiring Management system are scientists and engineers, whose median salary rate is \$46.07 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	10,000	5,000	\$46.07	\$230,350.00
Total	- - - -	10,000	5,000	- - - -	\$230,350.00

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 a 2-ounce large envelope is \$1.08 and that it will receive 10,000 responses per year, for a total cost of \$10,800 (10,000 x \$1.08) 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 \$39.46 according to the U.S. Office of Personnel Management's (OPM's) 2011 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 \$51.30 (\$39.46 + \$11.84).

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	10,000	10,000	\$51.30	\$513,000.00
Total	- - - - -	10,000	10,000	- - - - -	\$513,000.00

The USPTO has an annual maintenance cost with regard to the software license and the maintenance of Monster Hiring Management. The USPTO projects that it will cost approximately \$162,000 per year to maintain the software license. Therefore, the total cost to the USPTO for collecting this information is \$675,000.

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this collection in September of 2008 with a total of 7,000 responses and 3,500 burden hours. With this renewal, the USPTO estimates that the responses will be 10,000 and the burden hours 5,000, which is an increase of 3,000 responses and 1,500 burden hours from the currently approved burden for this collection.

The hourly rate for the candidate pool or users of the on-line employment application system has been updated from \$38.44 in the previous renewal to the present \$46.07.

The USPTO estimates that the total annual (non-hour) cost burden will increase by \$3,800 for this renewal, from \$7,000 currently reported on the OMB inventory to the present \$10,800 per year. The increase is due to an increase in postage costs.

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 annual (non-hour) cost burden in the amount of \$9,700. Total annual (non-hour) cost burden is being increased in this submission to \$10,800 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 \$46.07 per hour. The hourly rate has been updated from \$38.44 in the previous renewal. As a result of the increase in the billing rate and increase in total burden hours, this information collection reports a total increase in the cost to respondents of \$95,810, from \$134,540 to the present \$230,350.

Changes in Responses and Burden Hours

The USPTO expects that the annual responses for this renewal will increase by 3,000, from 7,000 to 10,000. Consequently, the USPTO expects that the total annual burden hours will increase by 1,500, from 3,500 to 5,000. This increase in burden hours is due to an increase in responses. **In sum, this information collection has a total burden increase of 1,500 hours due to an administrative adjustment.**

Changes in Annualized (Non-hour) Cost Burden

For this renewal, the USPTO estimates that the total annual non-hour costs will increase by \$3,800, from \$7,000 currently reported on the OMB inventory to the present \$10,800 per year. The currently approved annualized (non-hour) cost burden includes mailing costs at a rate of \$1.08. **Therefore, this collection has an increase in annualized (non-hour) cost burden in the form of postage costs of \$3,800 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.