**SUPPORTING STATEMENT**
**United States Patent and Trademark Office**
**Patent Examiner Employment Application**
**OMB CONTROL NUMBER 0651-0042**
**September 2014**


**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, fully integrated with USAJOBS.com, allowing 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) accesses this information to extend job offers and initiate on-boarding procedures.  With this system,  OHR processes are 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 candidates with the requisite knowledge and skills to perform patent examination work.  For the USPTO to remain competitive in recruiting these candidates it needs effective technology solutions.  This system enables USPTO to meet its complex and changing hiring goals, as well as, the agency's Congressional commitment to reduce the pendency rate for 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 quickly review applications from potential applicants.  Given the immediate hiring needs 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, as well as, streamlined labor and administrative 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 candidate inventory that allows management to review potential applications in real time.    The information an applicant, seeking a patent examiner position, supplies to the USPTO assists Human Resources Specialists and hiring managers and demonstrates whether or not an applicant possesses the basic qualifications for that position.

This proposed collection of information results in information collected, maintained, and used consistent with all applicable OMB and USPTO Information Quality Guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35) (PRA), in OMB Circular A-130, and in the OMB information quality guidelines. (See Ref. A, the *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 Monster Hiring Management site) | • Used by the public to apply for a position as a patent examiner.<br>• Used by the USPTO to rate applicants for a patent examiner position.<br>• Used by the USPTO to expedite the hiring process. |

## 3.    Use of Information Technology

Applicants use the Monster Hiring Management system, when they submit electronic applications to the USPTO.    Applicants visit the OPM USA Jobs Web site where they find a patent examiner job announcement which links them to the Monster Hiring Management system.  The applicant then completes and transmits their application 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 submitting their application.

Each applicant who submits an electronic employment application through MHM receives instant confirmation of their submission.  After the application is submitted, it is 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 in the patent examiner employment application through MHM. For example, in order to apply for a patent examiner position, the applicant must also possess a minimum of a bachelor's degree. However, as part of the application through MHM, an unofficial college transcript must be uploaded and transmitted.

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 expected.

## 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 June 18, 2014 (79 Fed Reg. 34722). The public comment period ended on August 18, 2014. 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 16,103 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 $44.69 per hour, derived from 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 | 16,103 | 8,051.5 | $44.69 | $359,822.00 |
| **Total** | - - - - - | **16,103** | **8,051.5** | - - - - | **$359,822.00** |

# 13. Total Annualized (Non-hour) Cost Burden

There are no capital start-up, maintenance, record keeping costs, or postage costs, as well as no filing fees associated with this information collection.

# 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 3: 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 | 16,103 | 16,103 | $51.30 | $826,084.00 |

| | | | | | |
|---|---|---|---|---|---|
| **Total** | - - - - - | **16,103** | **16,103** | - - - - - | **$826,084.00** |

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 $988,084.

## 15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this collection in September of 2011 with a total of 10,000 responses and 5,000 burden hours. With this renewal, the USPTO estimates that the responses will be 16,103 and the burden hours 8,051.5, which is an increase of 6,103 responses and 3,051.5 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 revised downward from $46.07 in the previous renewal to the present $44.69.

The USPTO estimates that the total annual (non-hour) cost burden will decrease by $10,800 for this renewal, from $10,800 currently reported on the OMB inventory to the present $0 per year. The decrease is due to no 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.

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 $44.69 per hour. The hourly rate has been updated from $46.07 in the previous renewal. As a result of the increase in the responses and increase in total burden hours, this information collection reports a total increase in the cost to respondents of $129,472, from $230,350 to the present $359,822.

Changes in Responses and Burden Hours

The USPTO expects that the annual responses for this renewal will increase by 6,103, from 10,000 to 16,103. Consequently, the USPTO expects that the total annual burden hours will increase by 3,051.5, from 5,000 to 8,051.5. This increase in burden hours is due to an increase in responses. **In sum, this information collection has a total burden increase of 3,051.5 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 decrease by $10,800, from $10,800 currently reported on the OMB inventory to the present $0 per year.  **Therefore, this collection has a decrease in annualized (non-hour) cost burden of $10,800 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**

Burden statements in the collection will display the proper OMB Control Number and the OMB expiration date.

**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.