

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
PUBLIC TRANSPORTATION SUBSIDY (PTS) PROGRAM
(Effective October 2018)

- 1. Authority and Purpose.** This Program is established pursuant to 5 U.S.C. § 7905 [Title 5, Part III of the U.S. Government Organization and Employees code] which provides for “programs to encourage commuting by means other than single-occupancy motor vehicles.”
- 2. Basic Benefit.** Beginning in October of each fiscal year, the USPTO (or designated external service provider) will provide, to any employee who elects to participate and qualifies for the PTS program, payments limited to the current maximum of \$260.00 per month, per employee, or as adjusted due to changes to the PTS program budget pursuant to Section 10 or for inflation pursuant to Section 13 of the following guidelines. The amount cannot exceed the actual public transportation expenses of the eligible employee. Benefits are to be provided using registered WMATA SmarTrip Cards, approved transportation debit cards, commuter checks (until such time as they are no longer available) or any other form of payment at the Agency’s discretion. Use of this benefit is limited solely to the costs of commuting to and/or from work via public transportation systems recognized and approved by the Agency.
- 3. Eligibility.** All USPTO federal employees are eligible to participate in the PTS program, provided that the employee:
 - a. Commutes or will commute to and/or from work on recognized and approved transportation systems.
 - b. Does not use a monthly parking space at or near the workplace, except for designated vanpool drivers.
 - c. Does not have a monthly parking permit for a USPTO parking space, except for designated vanpool drivers. Employees may participate in the program if they pay daily to park (does not hold a monthly permit).
- 4. Misuse and Availability of Benefits.**
 - a. The benefits provided by SmarTrip card, debit card, commuter checks/vouchers, or other distribution modes are not transferable and are only to be used for the commute to and/or from work. Misuse of the subsidy, such as, giving, selling, trading, or transferring the subsidies to other individuals, or purchasing the same from another individual is prohibited, even if the other individual is eligible to receive the subsidy.
 - b. Benefits are provided on a monthly basis. For employees receiving debit cards or commuter checks, all unused portions including the card itself must be returned to the Office of Finance at Headquarters or designated USPTO regional office administrator upon withdrawal from the program or at the time of separation. All employees who wish to cancel participation must officially do so using the online website by selecting the option to withdraw from the program.
 - c. Should the Office decide to investigate any employee’s eligibility for participation

in the PTS program, the amount of benefits claimed, or failure to timely return unused subsidies where applicable, the employee will continue to receive benefits pending the Office's determination concerning eligibility. The Office may, however reduce or stop benefits once it makes a determination of ineligibility or reduced eligibility. Employees may be required to repay benefits improperly claimed, and may be subject to disciplinary or collection action.

5. Employee Obligation to Report to Work. Receipt or non-receipt of the transit subsidy benefit does not alter an employee's responsibility to report to work.

6. Procedures.

- a. Social Security numbers will not be used or required for the application process or for any other purpose related to the PTS program.
- b. Employees who want to participate in the PTS program must do so by submitting an online application through the agency specified system prior to the annual certification deadline date. Employees can file one application per fiscal year to receive uninterrupted benefits for the fiscal year. Employees can also submit an application update, withdraw, or re-apply for benefits as needed. Each employee must complete the online training, certify eligibility, and provide a detailed description of commuting costs to be covered by this program. All change requests must be submitted via the agency specified PTS program online system, as needed.

There are no exceptions for the mode of application submission; an online application is required annually to recertify benefits by the 1st business day of September.

- c. A copy of this document and all forms used in the PTS program are maintained on the USPTO Intranet webpage entitled Transit Subsidy under the Employees heading on the Office of Human Resources (OHR) web page in addition to the Chief Financial Officer (CFO) Travel and Transportation SharePoint site, and additional sites maintained by an agency specified provider. Participants can access current information using the site links below:
 - 1) USPTO Office of Human Resources (see support services section to access PTS program information):
http://ptoweb.uspto.gov/ptointranet/ohr/employees/transit_subsidy/transit.htm
 - 2) USPTO Office of Finance/Travel and Transportation Resources SharePoint site (see commuter information section to access PTS program information):
<https://usptogov.sharepoint.com/sites/0782646c/Pages/Transit-Program-Commuters.aspx>
- d. Employees will be notified of the PTS program application deadline each fiscal year by announcements in the "USPTO Weekly" or successor means (in all issues published during the eight weeks before the PTS program application form is due). These messages will provide electronic access to the PTS program

application form and include the availability and specific location of information concerning this program.

- e. Employees must notify the TSC or internal USPTO designee via the PTS program online system to withdraw his/her participation in the PTS program and return all unused subsidies if applicable. Employees must submit a new PTS program application form (including any address/commute updates) using the PTS program online system to resume participation. The delivery of reinstated subsidies may be expected within seven business days of an approved application.
- f. The Transit Subsidy Coordinator (TSC) or internal USPTO designee notifies the employee if a timely filed application has been reviewed and rejected due to incomplete or inaccurate information provided by the employee within seven business days. The employee must correct and resubmit the application within seven business days for approval. Corrections are processed in the order they are received within seven business days.
- g. Applications will be accepted on an ongoing basis. If an employee does not submit their application for benefits by the annual certification deadline, the application will be processed in the order received. If the employee submits an online PTS Program application after the annual certification deadline, the employee may not receive the full transit subsidy for the current full calendar month. The employee will receive a pro-rated amount based on the date of the approved application. Employees will receive their benefits within seven business days of an approved application.

7. Delivery of Transit Subsidy benefits.

- a. Transit subsidy benefits are issued electronically through a SmarTrip card (for program participants in the National Capital Region (NCR) using vendors that accept the Washington Metropolitan Area Transit Authority (WMATA) SmarTrip card) or through a debit card (for use with transportation providers that do not offer or accept a WMATA SmarTrip card). Use of commuter checks are not anticipated as most vendors accept electronic forms of payment, however, they are available to participants if they commute using a transportation provider that does not accept electronic fare media such as the WMATA SmarTrip card or a debit card.
- b. Transit subsidy benefits are made available on a monthly basis through one of the following fare media:
 - i. Debit cards are mailed within seven business days of the annual benefit certification deadline or an approved application (for submissions after the deadline).
 - ii. SmarTrip Cards must be purchased by the employee directly from a WMATA vendor. Cards must be registered to the employee and the card number provided on the application for benefits. (National Capital Region area participants)
 - iii. Commuter checks/vouchers (paper fare media) are mailed within seven business days of the annual benefit certification deadline or approved

application (for late submissions after the deadline).

- iv. Debit cards and commuter checks (paper fare media) are also made available for pick-up at the Office of Finance (for Headquarters program participants) or an internal USPTO designee at each of the USPTO regional offices. In cases where no USPTO office exists, the TSC will mail the subsidy to an internal USPTO designee near the employee's location. The employee will be required to produce a USPTO identification card to receive the fare media.

8. Employee claims of non-receipt.

- a. If transit subsidy benefits are not received, the employee must notify the TSC within the same month the employee was expecting to receive the benefit. Employees should send an e-mail to the TSC at transitsubsidycoordinator@uspto.gov for assistance.
- b. Employees expecting to receive electronic subsidies will receive the benefits within seven business days of a valid claim of non-receipt. The benefits will be issued electronically via the SmarTrip or transportation debit card.
- c. If an employee does not receive fare media delivered by mail (e.g. debit cards or paper fare media) as a result of an error on the part of the USPTO (or designated external agent) through no fault on the part of the employee, the benefits will be replaced. To request replacement, an employee must provide the following information, in writing to the TSC (an e-mail is acceptable):
 - i. Certify that their subsidy was not received;
 - ii. Provide their name, employee identification number, amount of the subsidy, and distribution mode (e.g. debit card/paper fare media);
 - iii. State whether he/she is representing himself/herself, or is represented by a union representative; and
 - iv. Provide a specific account of why the subsidy was not received.

9. Grievances Concerning the PTS Program. Any participant who is aggrieved over policies and procedures related to the PTS program may:

- a. Request representation by a union representative. **NOTE:** Representation may be requested by either party within 5 business days of filing a grievance. This meeting shall be scheduled by mutual agreement for a time between 9:30 a.m. and 3:00 p.m. during the next 6 business days. A written decision will be rendered 10 business days following the filing of the concern or 5 business days after the meeting, whichever is later. This decision will be considered the equivalent of a USPTO decision at the first or informal stage of the grievance procedure.
- b. Decide to continue with the grievance process if unsatisfied with the results of a written decision at the first or informal stage of the grievance procedure.
- c. File a grievance within the time period required in the applicable collective bargaining agreement (CBA). The grievance must contain the information

required by the CBA. A meeting may be requested by either party as is provided for in the applicable CBA.

NOTE: The union may appeal the final Agency decision to arbitration.

10. **Changes to the PTS Program Budget.** If management determines it to be necessary to reduce or terminate funding for the PTS program, no USPTO employee will receive a greater reduction in their individual maximum subsidies than any other person in the USPTO. When the program funding is reduced or terminated, it will be reinstated when such action is no longer necessary.
11. **Meaning of Dates Provided in these Program Guidelines.** Deadlines established in this program are automatically extended to the next business day when they fall on a Saturday, Sunday, Federal holiday, or other office closures.
12. **Reinstatement of Parking:** Employees who forfeit a parking space controlled by the USPTO to participate in this program shall be eligible for reinstatement of their parking permit on a priority basis when:
 - a. They suffer a ten percent or greater reduction in benefits resulting from funding cutbacks to the PTS program.Priority basis means that the employee's names are placed ahead of all other names on the applicable waiting list except those who also have priority status.
13. **Increases in Maximum Monthly Amounts for the Transit Subsidy Program.** If the maximum monthly transit subsidy amount increases in the future, the maximum amount paid under this program will also increase, with the other provisions set forth above remaining unchanged, unless the Agency or any of the unions request to bargain before the effective date of the new amount. So long as there are no other changes to law, rule, or regulation (including Executive Orders) pertaining to the PTS program, IRS adjustments to the maximum benefit, as set out in 26 U.S.C. § 132 (f)(6), shall be automatically applied to this program.
14. **Effective Date.** The provisions of the revised program are to become effective for benefit months beginning on and after October 1, 2018.