Affirmative Action Plan
for the Recruitment, Hiring, Advancement, and
Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 CFR §1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

    a. Cluster GS-1 to GS-10 (PWD)   Answer   No

    b. Cluster GS-11 to SES (PWD)   Answer   Yes

The USPTO's participation rate of PWD from GS-1 to GS-10 is 12.26%; and 6.16% from GS-11 to SES.

*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d)(7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

    a. Cluster GS-1 to GS-10 (PWTD)   Answer   No

    b. Cluster GS-11 to SES (PWTD)   Answer   Yes

The USPTO's participation rate of PWTD from GS-1 to GS-10 is 3.34%; and 1.59% from GS-11 to SES.

Grade Level Cluster(GS or Alternate Pay Planb)	Total	Reportable Disability		Targeted Disability	
	#	#	%	#	%
Numarical Goal	--	12%		2%	
Grades GS-1 to GS-10					
Grades GS-11 to SES					

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.

The USPTO has designated one human resources specialist to serve as selective placement coordinators. The USPTO's Director of EEO and Diversity meets biweekly with these coordinators to communicate, among other things, numerical goals for hiring individuals with disabilities. The selective placement coordinators review all USPTO vacancy announcements and refer qualified Schedule A candidates to selecting officials. In addition, the USPTO's senior management team, known as the "Management Council" received a briefing on using the agency-wide internship program as a method of recruiting individuals with disabilities, who could later be non-competitively selected for USPTO positions.

Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If "no", describe the agency's plan to improve the staffing for the upcoming year.

                                                                                                    Answer   Yes

2. Identify all staff responsible for implementing the agency's disability employment program by the office, staff employment status, and responsible official.

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWTD	1	0	0	Sandra.Robinson@uspto.gc
Architectural Barriers Act Compliance	0	0	0	Maren.Williams@uspto.go
Answering questions from the public about hiring authorities that take disability into account	1	0	0	Sandra.Robinson@uspto.gc
Special Emphasis Program for PWD and PWTD	0	0	0	Glorimar.Maldonado@uspt
Processing reasonable accommodation requests from applicants and employees	8	0	0	Heather Austin Jones Reasonable Accommodation Program Manager Heather.Jones1@uspto.gov
Section 508 Compliance	1	0	0	Patricia Kless Patricia.Kless@uspto.gov

3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If "yes", describe the training that disability program staff have received. If "no", describe the training planned for the upcoming year.

                                                                                                    Answer   Yes

The team that processes requests for Reasonable Accommodation attended training provided at the EEOC's EXCEL conference, or the Federal Dispute Resolution (FDR) conference. Additionally, they take ad hoc training throughout the year to keep current on developments in EEO law.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If "no", describe the agency's plan to ensure all aspects of the disability program have sufficient funding and other resources.

Answer   Yes

Section III: Program Deficiencies In The Disability Program

Brief Description of Program Deficiency	C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]		
Objective	To increase awareness of disability-based harassment.		
Target Date	Sep 30, 2020		
Completion Date			
Planned Activities	*Target Date*	*Completion Date*	*Planned Activity*
	Sep 30, 2020		The OEEOD will incorporate disability-based harassment information and examples into its existing anti-harassment training.
Accomplishments	*Fiscal Year*	*Accomplishment*	
	2019	The EEO Director and the individual assigned to this project have met to communicate the goals.	

Brief Description of Program Deficiency	C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.		
Objective	To increase awareness of the Agency's procedures for processing requests for Personal Assistance Services.		
Target Date	Sep 30, 2020		
Completion Date			
Planned Activities	*Target Date*	*Completion Date*	*Planned Activity*
	Sep 30, 2020		The OEEOD will post language on the existing OEEOD website detailing what personal assistance services are and how they can be requested.
Accomplishments	*Fiscal Year*	*Accomplishment*	
	2019	The EEO Director and the individual assigned to this project have met to communicate the goals.	

Brief Description of Program Deficiency	D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.		
Objective	To increase awareness of the Agency's affirmative action plan.		
Target Date	Sep 30, 2020		
Completion Date			
Planned Activities	*Target Date*	*Completion Date*	*Planned Activity*
	Sep 30, 2020		The OEEOD will take the steps needed to post the affirmative action plan on the Agency's public website.
Accomplishments	*Fiscal Year*	*Accomplishment*	
	2019	The EEO Director and the individual assigned to this project have met to communicate the goals.	

Section IV: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency's recruitment program plan for PWD and PWTD

A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

The Agency uses the Workforce Recruitment Program on a regular basis to identify potential employees. The Agency has a separate webpage designed to provide information to job applicants with disabilities: https://www.uspto.gov/ jobs/hiring-people-disabilities. The Agency has also formed relationships with the various disability offices at the universities and colleges from which it regularly recruits students.

2. Pursuant to 29 C.F.R. §1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce

The Agency utilizes Schedule A and veterans hiring preferences to recruit PWD and PWTD.

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority; and, (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

The Agency has a Human Resources Specialist (Selective Placement Coordinator) who are dedicated to working with job applicants who apply under special hiring authorities. The Coordinators determine eligibility, and forward qualified applicants with disabilities to the relevant hiring officials. In addition the coordinators maintain a roster of Schedule A candidates, whom they refer for appropriate positions.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer   Yes

The Agency provides computer based training annually, including: • A Road-map to Success: Hiring, Retaining, and Including People with Disabilities • Veteran Employment Training All hiring managers are required to take the above-mentioned computer-based trainings as part of fulfilling OPM's annual training on the policies and procedures necessary for performing their duties within federal guidelines.

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

The Agency has already formed relationships with the various disability offices at the universities and colleges from which it regularly recruits students, and will continue to reach out to additional schools and external disability-related organizations to develop more partnerships. We have established a relationship with the local, Alexandria, Virginia, vocational rehabilitation office. This is the office with jurisdiction over our largest campus. We plan to continue to reach out to career services and disability program coordinators at target area schools to establish a baseline relationship and gauge interest and population.

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1.

Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

      a. New Hires for Permanent Workforce (PWD)   Answer   Yes

      b. New Hires for Permanent Workforce (PWTD)   Answer   No

In FY2019, of the USPTO's new permanent hires, 10.85% were PWD, and 2.67% were PWTD.

New Hires	Total	Reportable Disability		Targeted Disability	
		Permanent Workforce	Temporary Workforce	Permanent Workforce	Temporary Workforce
	(#)	(%)	(%)	(%)	(%)
% of Total Applicants	0				
% of Qualified Applicants	0				
% of New Hires	0				

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission- critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

      a. New Hires for MCO (PWD)   Answer   N/A

      b. New Hires for MCO (PWTD)   Answer   N/A

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency is unable to conduct applicant flow data analysis for FY19. The data tables contain multiple inconsistencies when analyzing internal selections, interviewed applicants, internal applications, and others. DOC/OCR is working with relevant stakeholders (Data Analytics, Monster, and NFC) to address these issue.

New Hires to Mission-Critical Occupations	Total	Reportable Disability		Targetable Disability	
		Qualified Applicants	New Hires	Qualified Applicants	New Hires
	(#)	(%)	(%)	(%)	(%)
Numerical Goal	--	12%		2%	

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

      a. Qualified Applicants for MCO (PWD)   Answer   No

      b. Qualified Applicants for MCO (PWTD)   Answer   No

The Agency generally hires external applicants for MCOs, not internal applicants. The overwhelming majority of MCOs are hired into career ladder positions with full performance levels at the higher grades (e.g., GS-14). Thereafter, promotions are approved based on performance.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission- critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Promotions for MCO (PWD)   Answer   No

b. Promotions for MCO (PWTD)   Answer   No

For the majority of MCOs, the USPTO provides non-competitive promotion from GS-7 to GS-14. Promotion depends on performance.

Section V: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

A. ADVANCEMENT PROGRAM PLAN

Describe the agency's plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

During FY 2018, the Office constituted a new Disability Working Group, dedicated to identifying barriers to career advancement and reduction of those barriers. The group is led by the diversity program manager. In addition, the USPTO affinity group dedicated to disability issues worked with USPTO leadership to promote career advancement of their members. This USPTO has three initiatives now underway to ensure that PWD's have sufficient opportunities for advancement. First, USPTO's diversity program will be reorganized, creating a specific position responsible for the affirmative disability portfolio. This portfolio will decouple the reasonable accommodation program for the affirmative program, making a new position on the diversity team dedicated to the recruitment and advancement of PWD. Second, we are working to reconstitute our relationship with the Rochester Institute of Technology, which is home to the National Technical Institute for the Deaf. This effort will be with the goal of improving representation rates of deaf employees in MCO. Third, we have developed stronger hiring manager education focusing on providing managers with the tools they need to operationalize disability recruitment. For the first time ever, this will include training for aspiring managers. PWDs and PWTDs, like all USPTO employees are able to take part in the various career development programs offered by the Agency. The competitive opportunities are announced and many of the other programs are open to all employees.

B. CAREER DEVELOPMENT OPPORTUNITES

1. Please describe the career development opportunities that the agency provides to its employees.

The USPTO has two major career development programs. First, USPTO provides career development detail assignment for employees. Second, USPTO provides an enterprise-wide mentoring program. The mentoring program is open to everyone interested, subject to space constraints in the program. In addition to these two major enterprise efforts, the Enterprise Training Division, and various employee groups host ad hoc training and information sessions. These programs are widely-publicized and available to all employees.

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/ approval to participate.

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Internship Programs						
Training Programs						
Fellowship Programs						
Detail Programs						
Mentoring Programs						

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (%)	Selectees (%)	Applicants (%)	Selectees (%)
Other Career Development Programs						
Coaching Programs						

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

        a. Applicants (PWD)   Answer   N/A

        b. Selections (PWD)   Answer   N/A

For FY19, we did not collect disability status data for competitive career development programs.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

        a. Applicants (PWTD)   Answer   N/A

        b. Selections (PWTD)   Answer   N/A

For FY19, we did not collect disability status data for competitive career development programs.

C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If "yes", please describe the trigger(s) in the text box.

        a. Awards, Bonuses, & Incentives (PWD)   Answer   Yes

        b. Awards, Bonuses, & Incentives (PWTD)   Answer   Yes

PWD receive cash awards of under $500, $501-$999, $1000-$1999, $2000-$2999, $3000-$3999, $4000-$4999, and greater than $5000 at 5.03%, 5.53%, 4.06%, 6.02%, 6.73%, 4.14%, and 5.32%, respectively. PWTD receive cash awards of under $500, $501-$999, $1000-$1999, $2000-$2999, $3000-$3999, $4000-$4999, and greater than $5000 at 1.09%, 1.23%, 1.39%, 1.57%, 2.02%, 1.25%, and 1.95%, respectively. Although triggers exist for the number of PWD and PWTD receiving cash awards, those PWD and PWTDS that are awarded receive as much or more than average. The average cash award amount under $500 for PWD ($322) is consistent with average ($310), as is the average for PWTD ($339). The average cash award amount between $501 and $999 for PWD ($776) is above average ($761). The average award between $1000 and $1999, $2000 and $2999, $3000 and $3999, $4000 and $4999, and over $5000 for PWTD ($1,196, $2,502, $3,320, $4,103, and $7,375) are all higher than average ($1,156, $2,409, $3,207, $3,913, and $6,809). The average award between $1000 and $1999, $2000 and $2999, $3000 and $3999, and over $5000 for PWD ($1,194, $2,478, $3,369, and $7,236) are higher than average ($1,156, $2,409, $3,207, and $6,809). The average award for PWD between $4000 and $4999 ($3,820) is slightly lower than average ($3,913).

Time-Off Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %

Cash Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance- based pay increases? If "yes", please describe the trigger(s) in the text box.

    a. Pay Increases (PWD)   Answer   No

    b. Pay Increases (PWTD)   Answer   No

Other Awards	Total (#)	Reportable Disability %	Without Reportable Disability %	Targeted Disability %	Without Targeted Disability %
Performance Based Pay Increase	0	0.00	0.00	0.00	0.00

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If "yes", describe the employee recognition program and relevant data in the text box.

    a. Other Types of Recognition (PWD)   Answer   No

    b. Other Types of Recognition (PWTD)   Answer   No

D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

    a. SES

        i. Qualified Internal Applicants (PWD)   Answer   N/A

        ii. Internal Selections (PWD)   Answer   N/A

    b. Grade GS-15

        i. Qualified Internal Applicants (PWD)   Answer   N/A

        ii. Internal Selections (PWD)   Answer   N/A

    c. Grade GS-14

        i. Qualified Internal Applicants (PWD)   Answer   N/A

        ii. Internal Selections (PWD)   Answer   N/A

    d. Grade GS-13

        i. Qualified Internal Applicants (PWD)   Answer   N/A

        ii. Internal Selections (PWD)   Answer   N/A

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency is unable to conduct applicant flow data analysis for FY19. The data tables contain multiple inconsistencies when analyzing internal selections, interviewed applicants, internal applications, and others. DOC/OCR is working with relevant stakeholders (Data Analytics, Monster, and NFC) to address these issue.

2. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

      a. SES

          i. Qualified Internal Applicants (PWTD)   Answer   N/A

          ii. Internal Selections (PWTD)   Answer   N/A

      b. Grade GS-15

          i. Qualified Internal Applicants (PWTD)   Answer   N/A

          ii. Internal Selections (PWTD)   Answer   N/A

      c. Grade GS-14

          i. Qualified Internal Applicants (PWTD)   Answer   N/A

          ii. Internal Selections (PWTD)   Answer   N/A

      d. Grade GS-13

          i. Qualified Internal Applicants (PWTD)   Answer   N/A

          ii. Internal Selections (PWTD)   Answer   N/A

Due to multiple data issues resulting from changes in the EEOC's FY19 workforce data tables, the agency is unable to conduct applicant flow data analysis for FY19. The data tables contain multiple inconsistencies when analyzing internal selections, interviewed applicants, internal applications, and others. DOC/OCR is working with relevant stakeholders (Data Analytics, Monster, and NFC) to address these issue.

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3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

      a. New Hires to SES (PWD)   Answer   N/A

      b. New Hires to GS-15 (PWD)   Answer   N/A

      c. New Hires to GS-14 (PWD)   Answer   N/A

      d. New Hires to GS-13 (PWD)   Answer   N/A

In FY19, we did not capture the data on total new hires in senior grade positions. However, we note that the vast majority of our senior level positions are internal hires due to the subject matter expertise required at the senior levels.

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4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

      a. New Hires to SES (PWTD)   Answer   N/A

      b. New Hires to GS-15 (PWTD)   Answer   N/A

    c. New Hires to GS-14 (PWTD)   Answer   N/A

    d. New Hires to GS-13 (PWTD)   Answer   N/A

In FY19, we did not capture the data on total new hires in senior grade positions. However, we note that the vast majority of our senior level positions are internal hires due to the subject matter expertise required at the senior levels.

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5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory
positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

    a. Executives

        i. Qualified Internal Applicants (PWD)   Answer   N/A

        ii. Internal Selections (PWD)   Answer   N/A

    b. Managers

        i. Qualified Internal Applicants (PWD)   Answer   N/A

        ii. Internal Selections (PWD)   Answer   N/A

    c. Supervisors

        i. Qualified Internal Applicants (PWD)   Answer   N/A

        ii. Internal Selections (PWD)   Answer   N/A

In FY19, we did not capture applicant flow data on internal promotions to supervisory positions.

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6. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

    a. Executives

        i. Qualified Internal Applicants (PWTD)   Answer   N/A

        ii. Internal Selections (PWTD)   Answer   N/A

    b. Managers

        i. Qualified Internal Applicants (PWTD)   Answer   N/A

        ii. Internal Selections (PWTD)   Answer   N/A

    c. Supervisors

        i. Qualified Internal Applicants (PWTD)   Answer   N/A

        ii. Internal Selections (PWTD)   Answer   N/A

In FY19, we did not capture applicant flow data on internal promotions to supervisory positions.

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7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

       a. New Hires for Executives (PWD)   Answer   N/A

       b. New Hires for Managers (PWD)   Answer   N/A

       c. New Hires for Supervisors (PWD)   Answer   N/A

In FY19, we did not capture applicant flow data on selections to supervisory positions. However, we note that the vast majority of our supervisory positions are internal hires due to the subject matter expertise required at the supervisory level.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

       a. New Hires for Executives (PWTD)   Answer   N/A

       b. New Hires for Managers (PWTD)   Answer   N/A

       c. New Hires for Supervisors (PWTD)   Answer   N/A

In FY19, we did not capture applicant flow data on selections to supervisory positions. However, we note that the vast majority of our supervisory positions are internal hires due to the subject matter expertise required at the supervisory level.

Section VI: Plan to Improve Retention of Persons with Disabilities

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If "no", please explain why the agency did not convert all eligible Schedule A employees.

                                                Answer   Yes

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If "yes", describe the trigger below.

       a.Voluntary Separations (PWD)   Answer   Yes

       b.Involuntary Separations (PWD)   Answer   Yes

The USPTO's participation rate of PWDS in the permanent workforce is 6.74%. PWDs accounted for 20.93% of the involuntary separations and 11.32% of the voluntary separations.

Seperations	Total #	Reportable Disabilities %	Without Reportable Disabilities %

3.

Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

a.Voluntary Separations (PWTD)   Answer   Yes

b.Involuntary Separations (PWTD)   Answer   Yes

The USPTO's participation rate of PWTDS in the permanent workforce is 1.75%. PWTDs accounted for 5.81% of the involuntary separations and 1.89% of the voluntary separations.

Seperations	Total #	Targeted Disabilities %	Without Targeted Disabilities %

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

The Agency does not include a disability question in the exit interview. Plans are underway to add one in a redesign. We have reviewed complaint data, however, this review did not result in the identification of root causes of separations of PWD.

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 CFR §1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

https://www.uspto.gov/about-us/organizational-offices/office-chief-information-officer/section-508-rehabilitation-act

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the
Architectural Barriers Act, including a description of how to file a complaint.

We are currently working to include an explanation of rights under the Architectural Barriers Act as part of our public website.

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

They Agency continues to make changes to improve accessibility in all of its facilities, including adding lowered sinks in the restrooms and improving entrances to the buildings. During FY 2019, The USPTO Office of EEO and Diversity is reviewed the accessibility of our regional offices located in Denver, Detroit, Dallas, and Silicon Valley.

C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

The average time for processing initial requests for reasonable accommodation is approximately 20 days. In FY19, 329 new

reasonable accommodation requests were received and processed. This figure does not include several FY2019 requests that were re-opened to process extension requests and approximately 50 carry over RA requests from FY2018 that were processed and closed in FY2019.

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

Per Agency Administrative Order (AAO) 214-02, requests for accommodation should be processed within 45 business days of receiving all necessary documentation. Pursuant to the AAO, the average pendency time of a reasonable accommodation (RA) request is approximately 20 days; the average implementation time of providing any approved accommodation is within 15 days of the accommodation decision being issued. The RA Manager tracks the number of requests by: the type grant or denial; job (series, grade, and Agency component); and processing time. The RA Manager continued to lead regular bi-monthly meetings with Agency deciding officials, representatives from the Office of General Law; representatives from the Workforce Management Division, and various staff members to discuss and review pending RA cases, analyze trends, and develop consistent and effective approaches to processing, deciding, and implementing RA requests. The Agency conducts periodic training/briefing sessions to executives and supervisors on a regular basis. The sessions provide information on what constitutes a disability; the Agency's obligation in accommodating PWD; the supervisor's role in the process; common types of accommodations. The sessions include hypothetical scenarios and discussions to provide examples to participants. Training sessions are also provided, upon request.

D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

In FY2019, the USPTO received one request for PAS services. The USPTO is currently in the process of procuring a contract for PAS services and securing a permanent PAS provider. We recently submitted our revised Reasonable Accommodation policy, to include PAS, to the EEOC. Once the EEOC approves the policy, we will develop a plan to train managers.

Section VII: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the governmentwide average?

                                                                                                      Answer   No

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

                                                                                                      Answer   No

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

The Agency did not have any findings of discrimination alleging harassment based on disability status in FY19.

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable
   accommodation, as compared to the government-wide average?

   Answer   No

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of
   discrimination or a settlement agreement?

   Answer   No

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation
   during the last fiscal year, please describe the corrective measures taken by the agency.

The Agency did not have any findings of discrimination involving a failure to provide a reasonable accommodation in FY19.

Section VIII: Identification and Removal of Barriers

*Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice
may be impeding the employment opportunities of a protected EEO group.*

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for
   PWD and/or PWTD?

   Answer   Yes

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

   Answer   Yes

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible
   official(s), planned activities, and, where applicable, accomplishments

STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	The Agency's lower than expected participation rate of PWD (6.74%) and PWTD (1.75%) than the federal goals of 12% and 2%, respectively.

STATEMENT OF BARRIER GROUPS:	*Barrier Group*
	People with Disabilities
	People with Targeted Disabilities

BARRIER ANALYSIS: Provide a description of the steps taken and data analyzed to determine cause of the condition.	
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	Incomplete disability data from job applicants, suggesting that there is a perception that disclosing disability status will hinder his or her candidacy. The Agency does not collect applicant or new hire data for PWD/TD in senior grade levels (GS 13 to SES).

Objective	Decrease the representation of those that choose not to disclose disability status when applying for a position.
Date Objective Initiated	Oct 1, 2017
Target Date For Completion Of Objective	Sep 30, 2020

Responsible Officials	Glorimar Maldonado Diversity Program Manager

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2019	Work with the Office of Human Resources to ensure that this additional language is included in all future vacancy announcements.	Yes		09/30/2019
09/30/2019	Develop language to include in vacancy announcements that encourage applicants to disclose disability status.	Yes		09/30/2019

Fiscal Year	Accomplishments
2019	The following language will be included in vacancy announcements: "Please consider completing this voluntary survey. The data informs our recruitment and outreach initiatives. We do not use the data to identify specific people and we do not consider this data when making personnel decisions."

STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	The higher than expected representation of PWDs (20.93%) and PWTDs (5.81%) who involuntarily separate from the Agency, as well as the higher than expected representation of PWDs (11.32%) in resignations from the Agency.

STATEMENT OF BARRIER GROUPS:	*Barrier Group*
	People with Disabilities
	People with Targeted Disabilities

BARRIER ANALYSIS: Provide a description of the steps taken and data analyzed to determine cause of the condition.	
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	Lack of information to request a Reasonable Accommodation to enable PWDs to perform the essential functions of their jobs. The policy of decoupling reasonable accommodation matters from performance matters results in the inability to reach employees in need of reasonable accommodation before they are overwhelmed by performance problems.

Objective	Increase the retention rate of qualified employees with disabilities
	Date Objective Initiated Oct 1, 2017
	Target Date For Completion Of Objective Sep 30, 2020

Responsible Officials	Glorimar Maldonado Diversity Program Manager

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	Make RA training mandatory for all employees, including supervisors and managers.	Yes		
09/30/2020	Design and implement survey to employees who request reasonable accommodations to identify areas to assess the success of the program and improve process.	Yes		
09/30/2020	Re-develop content on Reasonable Accommodations given to new employees at orientation. Roll-out redeveloped content to new employees.	Yes		

Fiscal Year	Accomplishments
2019	Plans to develop an exit interview survey were confirmed with the Office of Human Resources.

STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?	The Agency's decreasing participation rate of PWDs when comparing their representation from GS1-10 levels, as compared to GS-11 through the SES. The Agency's participation rate for PWD from GS-11 to SES is lower than the expected 12% benchmark at 6.16%.

STATEMENT OF BARRIER GROUPS:	*Barrier Group*
	People with Disabilities
	People with Targeted Disabilities

BARRIER ANALYSIS: Provide a description of the steps taken and data analyzed to determine cause of the condition.	
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.	PWDs are not advancing in their careers, as expected.

Objective	Increase representation of PWDs at the higher GS-11 through SES levels
Date Objective Initiated	Oct 1, 2017
Target Date For Completion Of Objective	Sep 30, 2020

Responsible Officials	Glorimar Maldonado Diversity Program Manager

Target Date (mm/dd/yyyy)	Planned Activities	Sufficient Staffing & Funding (Yes or No)	Modified Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
09/30/2020	Work with responsAbility to help advertise mentoring program, and other career development programs to their members.	Yes		
09/30/2020	Meet with representatives who are responsible for mentoring program to discuss modifications to programs to help PWDs and PWTDs.	Yes		
09/30/2020	Work with leaders of Agency's affinity group, responsAbility, focused on PWDs and PWTDs to discuss ways to improve the enterprise-wide mentoring program.	Yes		

Fiscal Year	Accomplishments
2019	Only one SES internal hire was made in FY19. The participation rate for PWTD in GS-11 through SES (2.00%) was higher than the PWTD participation rate in the Agency as a whole (1.72%).

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

N/A

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

N/A. All planned activities are ongoing.

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

The Office of Equal Employment Opportunity and Diversity has added one full time equivalent to the diversity team in an effort to enhance USPTO's ability to recruit, retain, and advance the careers of PWDs and PWTDs. Additionally, a new Diversity Program Manager was hired in FY19 who will be taking on a leadership role in the Agency's Disability Advisory Council. This will help OEEOD better serve the needs of PWDs and PWTDs.