

## Revised Signatory Authority Program

Management has determined that the following performance standards in the management rights area will apply in the Signatory Authority Program. Since the following performance standards are solely within management rights, the terms of the management document are not negotiable.

Within one (1) month after a design patent examiner (under the GS 1226 Series) is promoted to GS 12, the Agency will provide the examiner with a document setting forth the applicable standards that apply to the Signatory Authority Program. Within one (1) month after a utility examiner (under the GS 1224 Series) is promoted to GS 13, the Agency will provide the examiner with a document setting forth the applicable standards that apply to the Signatory Authority Program.

In Section 1-4 below, the Agency specifies the duration of the eligibility periods, the trial periods, the minimum number of hours of actual examining time required during the trial periods, and the standards applicable to the eligibility, the trial periods, and the retention of the permanent grant of Signatory Authority.

An examiner's performance with respect to quantity and timeliness will be reviewed at the mid point of the trial period. If the examiner's performance fails to meet the "at least fully successful" for either quantity or timelines, the examiner will be removed from the Program and the Temporary Grant of Signatory Authority will be terminated. To again enter the Signatory Program, the examiner must complete a new eligibility period beginning with the next pay period after removal from the trial period and the Program.

### Section 1 – Eligibility

Any GS 12 design examiner, full or part time, or any GS-13 or GS-14 utility examiner, full time or part time, without Signatory Authority is eligible to participate in the Signatory Authority Program under the following conditions.

With regard to the Partial Signatory Program, an eligible full time or part time examiner who has performed, for a minimum of six (6) consecutive pay periods, hereinafter designated as the eligibility period, at least at the Fully Successful level in each of the critical elements in that examiner's Performance Appraisal Plan (PAP) shall be granted Temporary Partial Signatory Authority.

When an examiner has previously declined the grant of temporary Partial Signatory Authority, an evaluation of his/her performance during the eligibility period will be based upon the most recent six (6) consecutive pay periods.

If an examiner has previously declined the grant of Temporary Partial Signatory authority, the examiner shall notify the supervisor in writing of their intent to receive the temporary grant.

With regard to the Full Signatory Program, an eligible full time or part time examiner who has Permanent Partial Signatory Authority and has performed, for a minimum of ten (10) consecutive pay periods wherein the examiner performed the examination of US patent applications and Reexamination proceedings in at least eight (8) of those ten (10) consecutive pay periods, hereinafter designated as the eligibility period, at least at the Fully Successful level in each of the critical elements in that examiner's Performance Appraisal Plan (PAP) shall be granted Temporary Full Signatory Authority.

When an examiner has previously declined the grant of temporary Full Signatory Authority, an evaluation of his/her performance during the eligibility period will be based upon the most recent ten (10) consecutive pay periods.

If an examiner has previously declined the grant of Temporary Full Signatory authority, the examiner shall notify the supervisor in writing of their intent to receive the temporary grant.

When an examiner has been denied a permanent grant of Signatory Authority, the eligibility period begins with the start of the next pay period after the written decision is provided to the examiner by the Technology Center Director.

## Section 2 – Trial Period

For the grant of Temporary Partial Signatory Authority for a full time examiner, the grant shall begin a trial period lasting ten (10) consecutive pay periods. The grant of Temporary Signatory Authority shall terminate at the end of the trial period.

For the grant of Temporary Partial Signatory Authority for a part time examiner, the grant shall begin a trial period lasting ten (10) or fifteen (15) consecutive pay periods, as elected by the examiner. The grant of Temporary Partial Signatory authority shall terminate at the end of the trial period selected by the part time employee.

For the grant of Temporary Full Signatory Authority for a full time examiner, the grant shall begin a trial period lasting thirteen (13) consecutive pay periods. The grant of Temporary Signatory Authority shall terminate at the end of the trial period.

For the grant of Temporary Full Signatory Authority for a part time examiner, the grant shall begin a trial period lasting thirteen (13) or twenty (20) consecutive pay periods, as elected by the examiner. The grant of Temporary Full Signatory Authority shall terminate at the end of the trial period selected by the part time employee.

At the mid-point of the trial period under the Program, if the examiner's cumulative performance for the trial period is less than fully satisfactory in the quantity or the timeliness element as set forth in the examiner's PAP, the examiner shall be removed from the Program and the temporary grant shall be terminated. The mid-point of a trial period shall be a) for a ten (10) pay period trial period after five (5) pay periods; b) for a fifteen (15) or thirteen (13) pay period trial period after seven (7) pay periods; and c) for a twenty (20) pay period trial period after ten (10) pay periods.

An examiner shall be removed from the Program and the temporary grant terminated for conduct infractions, defined as misrepresentations of performance, fraud, or dishonesty, that are related to the performance of assigned patent examining functions under the examiner's PAP.

Management has the right to review any and all work products completed during the trial period.

During the Temporary Partial Signatory Program trial period, if an examiner fails to timely submit the reviewable office actions completed for the trial period, Management may take up to five (5) pay periods to render the decision of whether to make the Temporary grant permanent. Failing to timely submit the reviewable office actions completed for the trial period is defined as an examiner submits for credit more than 30% of all their reviewable actions for the trial period in: a) the last two (2) pay periods for a ten (10) pay period trial period or b) the last three (3) pay periods for a fifteen (15) pay period trial period.

During the Temporary Full Signatory Program trial period, if an examiner fails to timely submit the reviewable office actions completed for the trial period, Management may take up to five (5) pay periods to render the decision of whether to make the Temporary grant permanent. Failing to timely submit the reviewable office actions completed for the trial period is defined as an examiner submits for credit more than 40% of all their reviewable actions for the program in: a) the last three (3) pay periods for a thirteen (13) pay period trial period or b) the last five (5) pay periods for a twenty (20) pay period trial period.

### Section 3 – Minimum Hour Requirement

Any examiner under a grant of Temporary Partial Signatory Authority must perform, unless waived by management, at least 550 hours of actual examining time in paid status during the trial period.

Any examiner under the grant of Temporary Full Signatory Authority must perform, unless waived by management, at least 700 hours of actual examining time in paid status during the trial period.

Failure to perform the minimum number of hours of actual examining time in paid status during the trial period for a Partial or Full Temporary grant, unless waived by Management, will result in a denial of a permanent grant of Signatory Authority.

Actual examining time in paid status for the purpose of meeting the minimum hour requirements in any trial period under the Signatory Authority Program will consist of hours worked in the following activities and subproject codes reported to and approved by the immediate Supervisor.

| <b>ACTIVITY</b>  | <b>Subproject Code</b>   |
|--|--|
| Examining Time   | 112012/112030  |
| Reexam Time  | 119051/119052  |
| PCT Time   | 119024/119025  |
| Restriction Time   | 112054   |
| Appeal Conferences   | 112041   |
| Other examining duties, which produce work product subject to review, e.g. amendment crossing in the mail, time spent examining transferred amended applications, etc. | 112036<br>...and any future subproject codes conforming to this criteria |
| Quality Assurance Cases  | 119045   |
| Markush Practice   | 112025   |
| Extra Time For Examiner's Answer   | 112050   |
| SIR Processing   | 112065   |
| Catastrophic Time For Computer Failure   | 090180   |
| Catastrophic Time For e-Dan & MADRAS Failure   | 160498   |
| Trilateral Search Exchange Program   | 119040   |

#### Section 4 – Applicable Standards

The standards applicable for performance evaluations and determinations with respect to the Signatory Authority Program shall be as follows:

1. Achievement at the Fully Successful level in Patent Examining and Timeliness under the applicable PAP shall be deemed satisfactory performance, for the purpose of entry or re-entry onto the Signatory Program.
2. Achievement at the Fully Successful level in Patent Examining and Timeliness under the applicable PAP shall be deemed satisfactory performance to warrant the grant of permanent Signatory Authority.
3. Achievement above the Unsatisfactory level in Patent examining and timeliness under the applicable PAP, shall be deemed an acceptable level of performance for retaining a permanent grant of signatory Authority.
4. Achievement at the fully successful level in the quality elements of the examiner PAP shall be deemed an acceptable level of performance for Re-certification.

#### Section 5 – Permanent Grant of Authority

Within two pay periods after the expiration of the trial period, unless modified as a result of the examiner's performance, the Office shall transmit to the examiner the written delegation of Permanent Signatory Authority or the written reasons denying the grant of Permanent Signatory Authority.

#### Section 6 – Management Rights

Management has the right to change or modify certain aspects of performance appraisal plans and the Signatory Authority Program, the implementation of which is subject to any bargaining obligations, which may be imposed by statute and/or the parties' Agreement.

