

**Agreement between
The United States Patent and Trademark Office and
The Patent Office Professional Association regarding
Reinstated Annuitants**

August 24, 2010

- 1. General:** Reinstated annuitants are limited to a work schedule of 32-40 hours per bi-week since by regulation they cannot exceed 520 hours of work during the first six months of retirement and 1040 hours during a 12 month period. The Part-time program for reinstated annuitants is administered separately from the POPA Part-Time Agreement and as such, annuitants do not occupy a part-time slot as identified in the POPA Part-Time Agreement.
- 2. Schedule of Work:** Reinstated annuitants will work a flexible schedule consistent with the following:
 - a) Each part-time employee must submit a schedule of work to their supervisor containing a minimum of 32 to a maximum of 40 hours per pay period.
 - b) The schedule of work must indicate the days during the pay period that the employee will work and the number of hours that will be worked on each day.
 - c) This schedule of work will be used to determine benefits such as annual leave.
 - d) Employees may schedule a minimum of four hours to a maximum of ten hours each day.
 - e) The employee must work at least two days per week, Monday through Friday, with one day being a Tuesday or Thursday, for a total of at least sixteen hours.
 - f) The schedule of work does not need to be the same each week, but must be the same for each pay period (e.g. work Monday and Thursday of the first week and Tuesday and Thursday of the second week).
 - g) Arrival and departure times are flexible, but at least sixteen hours each week must be completed between 5:30 a.m. and 8:00 p.m., Monday through Friday, and include 12:00 p.m. to 2:00 p.m. on either Tuesday or Thursday of each week.
 - h) If the employee schedules more than sixteen hours in a week in their schedule of work, the employee may work the additional hours between 4:30 a.m. and 11:30 p.m. Monday through Saturday.
 - i) Hours worked in excess of those in the schedule of work may only be worked between 4:30 a.m. and 11:30 p.m. Monday through Saturday.
 - j) Employees with contact hour requirements for internal or external customers may be required to work fixed hours, but the fixed hours will be limited to those hours required to meet the customer service obligations.
- 3. Holidays:** If an employee has scheduled hours on a Federal holiday, the employee is entitled to claim the number of hours the employee is scheduled to work (see 2a), up to a maximum of eight, and record the hours as holiday leave. Employees scheduled to work more than eight hours on a holiday may work the excess hours during the pay period, take annual leave, or take leave without pay to make up the difference.
- 4. Changes to Work Schedule:** To help meet the needs of the employee or the agency, the supervisor and employee may agree to change the hours or days the participant will work in a pay period. No amendment can be made that results in an amended scheduled workday falling on a holiday or government closure. Such amendment may not be used to habitually change his/her regular work schedule. Changes must be approved by the annuitant's

supervisor and may be for the single pay period or to the regular work schedule for the duration of the employee's participation in the program.

5. **Working Additional Hours:** Subject to prior supervisory approval, an employee will be eligible to schedule and work additional regular paid hours (total number of hours cannot exceed 40 hours per pay period) when necessary to meet the needs of the Agency or the employee (assuming work is available). In any instance, an employee cannot work more than 40 hours per pay period. Any additional hours worked are to be recorded as regular hours.
6. **Overtime:** Reinstated annuitants are not eligible to work overtime.
7. **Patent Examiner Laptop Program:** Annuitants are not eligible to participate in the Patent Examiner Laptop Program (PELP).
8. **Awards:** Reinstated annuitants are eligible for Gainsharing and/or Special Achievement Awards (SAAs) in accordance with the guidelines set forth for these awards. In general, reinstated annuitants are not eligible for learning curves or pipeline adjustments and any awards will not take into consideration such adjustments. In addition, annuitants are not eligible for a Pendency Reduction award for the period covering the first two full quarters after reinstatement.
9. **Training and Activities:** Training and participation in Agency sponsored activities shall be equally available to full-time and part-time employees, including reinstated annuitants. However, annuitants are not eligible for any USPTO subsidized training for which a continued service agreement is required, or any training which has not been directly assigned by the employee's supervisor.
10. **Office Space:** Reinstated annuitants will be treated the same as other part time employees with respect to office space.
11. **Participation in the Patents Hoteling Program or Patents Telework Program:** Reinstated annuitants who participate in the Patents Telework Program (PTP) or the Patents Hoteling Program (PHP) are subject to the requirements of the applicable program, unless a requirement is inconsistent with this program.

A. PTP

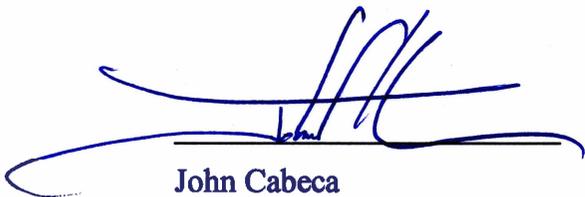
1. Reinstated annuitants who retired from the USPTO as participants in PTP within two years of their reinstatement date, who elect to participate in the PTP within the first six months of reinstatement, and who had a rating of record of at least fully successful when they retired may continue in the PTP (after any required training or orientation).
2. Reinstated annuitants who do not meet each of the criteria in Section 11.A.1, above, are subject to the PTP requirements and must have at least fully successful performance in all critical elements of their performance appraisal plan for at least the full quarter prior to participating in the PTP.
3. If reinstated annuitants elect the PTP, they must work at headquarters at least sixteen hours per week, and may telework up to an additional 8 hours per pay period. Reinstated annuitants may telework on one Saturday per pay period. Telework is limited to no more than one day per week. As a reminder, the total hours in pay status can not exceed 40 hours per pay period. Participants may not telework at the alternate worksite and work at headquarters on the same day unless directed by a supervisor.

B. PHP

1. If reinstated annuitants elect the PHP, they must have a schedule of work containing 40 hours in a pay period.
2. Annuitants who had passed the Certification Exam or had Permanent Partial or Full Signatory Authority and who had a rating of record of at least fully successful level when they retired are eligible to participate in the PHP.
3. Reinstated annuitants who retired from the USPTO on PHP within two years from their reinstatement date, who elect to participate in the PHP within the first six months of reinstatement, and who had a rating of record of at least fully successful when they retired may continue in the PHP (after any required training or orientation).
4. Reinstated annuitants who retired from the USPTO between two to three years from their reinstatement date (regardless of whether they were on PHP when they left the USPTO) are subject to the requirements of the PHP and must have at least fully successful performance in either the most recent rating of record since reinstatement or in all critical elements of their performance appraisal plan for at least the most recent full quarter prior to participating in the PHP.
5. Reinstated annuitants who retired from the USPTO more than three years from their reinstatement date (regardless of whether they were on PHP when they left the USPTO) are subject to the requirements of the PHP and must have at least fully successful performance in either the most recent rating of record since reinstatement or in all critical elements of their performance appraisal plan for at least the six months prior to participating in the PHP.

Signatures

For the Agency



John Cabeca
Director, Technology Center 2800
United States Patent and
Trademark Office

8/24/2010
Date

For the Association



Pamela Schwartz
Chief Negotiator
Patent Office Professional Association

8/24/10
Date