

## Modified Gainsharing Award Pilot FAQs

The following FAQs are intended to be a companion to the [FY2023 Modified Gainsharing Award and FY2024 Modified Gainsharing Award Pilot MOU](#); please refer to the MOU for comprehensive information about the FY23 Gainsharing Award change and the FY24 Modified Gainsharing Award Pilot.

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**Q1:** Will the FY23 change to the Gainsharing Award be based on Q4 performance or fiscal year performance?

- The FY23 Modified Gainsharing Award applies to Productivity Gainsharing awards for FY2023 and remains an annual award based on FY23 fiscal year performance. However, rather than beginning the award at 110% FY production achievement, the award will begin at 103% FY23 production achievement and increase with each 1% increment; all of the other criteria and eligibility requirements for the FY23 Gainsharing Award, including the \$10,000 cap for a single award, remain unchanged.

**Q2:** What are the main differences between the prior Gainsharing Award and the FY24 Modified Gainsharing Award Pilot?

- The following chart summarizes the differences between the awards:

	<b>Prior Gainsharing Award</b>	<b>FY23 Gainsharing Award</b>	<b>FY24 Gainsharing Award Pilot</b>
<b>Payout structure</b>	Begins at 110% production with 2% payout	Begins at 103% production with 1% payout	Begins at 103% production with 1% payout
<b>Payout schedule</b>	One annual award payment after EOY	One annual award payment after EOY	Two semi-annual award payments (one after midyear and one after EOY)
<b>Payout amount</b>	Payout based on annual salary at the end of the award period	Payout based on annual salary at the end of the award period	Payout based on half-annual salary at the end of the award period
<b>Award period</b>	Annual award period	Annual award period	Two semi-annual award periods (Q1-Q2 & Q3-Q4)
<b>Production achievement Increments</b>	Increases in 5% production increments	Increases in 1% production increments	Increases in 1% production increments
<b>Minimum hourly requirement</b>	Pro-rated award requires a minimum of 700 exam-related hours in the fiscal year	Pro-rated award requires a minimum of 700 exam-related hours in the fiscal year	Pro-rated award requires a minimum of 350 exam-related hours in each two-quarter award period
	Full award requires a minimum of 1400 exam-related hours in the fiscal year	Full award requires a minimum of 1400 exam-related hours in the fiscal year	Full award requires a minimum of 700 exam-related hours in each two-quarter award period

**Q3:** What aspects of the prior Gainsharing Award and the FY24 Modified Gainsharing Award Pilot are the same?

- There are several aspects of the award that are unchanged:
  - Both awards go up to a 7% award at 135% achievement;
  - FS performance or better in all critical elements for the period under consideration remains an eligibility criterion for the pilot;
  - Hours that are part of an examiner's first year of employment with the USPTO cannot be included in the determination of exam-related hours.

**Q4:** Since the FY24 Modified Gainsharing Award Pilot is going to be paid out twice per year, does that mean that examiners are eligible to earn double the amount as under the prior Gainsharing Award?

- No. Under the FY24 Modified Gainsharing Award, each semi-annual award payout is based on an examiner's half-annual salary at the conclusion of the award period; for example, e.g., a GS-13, step 10 examiner who achieves 120% productivity in Q1-Q2 would receive a semi-annual payout of  $(\$146178 \times 4\%)/2 = \$2923.56$ .

**Q5:** Does the \$10,000 cap still apply to the FY24 Modified Gainsharing Award Pilot?

- Yes, the cap does still apply, and no single award may exceed the threshold which requires OPM approval (currently \$10,000). Each semi-annual payout is considered a single award and will be subject to the cap. For example, a GS-14, step 10 examiner who achieves 135% productivity in each award period (Q1-Q2 and Q3-Q4) would receive a payout of  $(\$172,738 \times 7\%)/2 = \$6045.83$  at the conclusion of Q1-Q2 award period (after midyear) and would receive a payout of \$6045.83 at the conclusion of Q3-Q4 (after end of year).

**Q6:** Under the FY24 Modified Gainsharing Award Pilot, will awards be paid out in less than 1% productivity achievement increments?

- No, the award will be paid out in 1% productivity achievement increments only, starting at a 1% award at 103% achievement and up to a 7% award at 135% achievement.

**Q7:** For the FY24 Modified Gainsharing Award Pilot, is earning an award in the first award period (Q1-Q2) a requirement for getting an award in the second award period (Q3-Q4)?

- No, each award period is evaluated separately. An examiner that does not earn an award in the first award period of FY24 may still receive an award in the second award period of FY24 if all of the eligibility criteria are met. It is also important to note that earning an award in the first award period does not necessarily qualify an examiner to earn an award in the second award period, as the eligibility criteria are evaluated and assessed separately for each award period.