



THE CHAIRMAN

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

June 5, 2014

Gene Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
Room 7165
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

This letter is to report a violation of the Antideficiency Act, as required by section 1351 of Title 31, United States Code.

A violation of section 1342 of Title 31 of the United States Code occurred as the result of an employee working on October 2, 2013, while in a furlough status. Section 1342 states:

An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.

The employee was furloughed on October 1, 2013, as part of an orderly shutdown from a lapse in appropriations. The furlough notice, which the employee signed, instructed the employee not to work on official business even as an unpaid volunteer. Nonetheless, the employee conducted an interview in support of a product safety investigation on October 2, 2013, without the knowledge or approval of his supervisor. The interview was scheduled before the Government shutdown but not canceled by the employee as part of the orderly shutdown process. The employee acknowledged receiving and signing the furlough notice instructing him not to work during the furlough.

The employee failed to follow agency policies and supervisory instructions relating to the furlough. The agency's Inspector General concluded that the employee committed a knowing and willful violation of the law and referred the case to the Department of Justice, which declined to prosecute the case criminally. Upon careful review of the factual circumstances, management has concluded that the employee did not fully understand the gravity or the potential consequences of an Antideficiency Act violation and believed he was advancing the mission of the agency. The employee received a memorandum of reprimand and was required to receive training on the Antideficiency Act and its application to government furloughs.

The agency carefully and conscientiously followed all applicable laws. Nonetheless, going forward, the agency's shutdown plan and communications will also emphasize that employees who work in violation of the voluntary services prohibition in 31 U.S.C. 1342 are subject to the

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penalties in the Antideficiency Act. CPSC received an unqualified audit opinion on our financial statement audit for fiscal year 2013.

Identical reports also are being submitted to the President, the President of the Senate, and the Speaker of the House of Representatives.

Sincerely,

A handwritten signature in cursive script that reads "Robert Adler".

Robert Adler
Acting Chairman

Enclosures:
Inspector General's Investigative Report