



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING
October 31, 1996
4330 East West Highway
Bethesda, Maryland

The October 31, 1996, meeting of the U. S. Consumer Product Safety Commission was convened in open session by Chairman Ann Brown. Commissioner Mary Sheila Gall and Commissioner Thomas H. Moore were present.

Agenda Items

1. FY 1997 Operating Plan

The Commission considered the Commission's Operating Plan for Fiscal Year (FY) 1997. The Commission had received from the Executive Director a proposed operating plan at the Congressionally-approved funding level of \$42.5 million and was briefed by the staff on the plan at the Commission meeting of October 24, 1996. (Ref: briefing package dated October 16, 1996.)

Staff noted in the briefing package and discussed at the briefing the reality that, while the 1997 funding level is \$2.5 million more than 1996, the 1997 budget does not fully restore the buying power the agency lost in 1996. Therefore, the proposed 1997 operating plan continues some of the reductions made in 1996, including the cut in funding for CPSC staff performance awards.

At today's meeting, Commissioner Gall offered the following motion addressing the matter of funding performance awards: that the Commission direct the staff to place funding of Quality Step Increases and Performance Awards on the priority funding consideration list for mid-year review.

Following comment on the motion offered by Commissioner Gall, Commissioner Moore offered the following substitute motion: that the Executive Director examine the feasibility of the agency funding performance awards and quality step increases (QSIs) from FY 1997 funds, with priority given to career staff. While reviewing this request, we must maintain the greatest flexibility to allocate our limited programmatic resources to serve our safety mission. The Executive Director shall report options for consideration during the FY 1997 mid-year review process.

FY 1997 Operating Plan, continued

Commissioner Gall raised a point of order against consideration of the substitute motion offered by Commissioner Moore, before consideration of Commissioner Gall's original motion. Chairman Brown deferred a ruling on the point of order and discussion proceeded on the substitute motion.

The Commission then voted 2-1, with Commissioner Moore and Chairman Brown voting in favor and Commissioner Gall voting in opposition, to substitute Commissioner Moore's motion for Commissioner Gall's original motion.

The Commission voted 2-1 to approve the substitute motion offered by Commissioner Moore. Commissioner Moore and Chairman Brown voted in favor; Commissioner Gall voted in dissent.

Chairman Brown then ruled on Commissioner Gall's point of order that the Commission should have voted first on the motion she offered because, she claimed, the motion offered by Commissioner Moore was not germane to her motion and thus not properly a substitute motion. Chairman Brown ruled that the point of order was not well taken.

Chairman Brown read a statement regarding CPSC staff performance awards, copy attached to these Minutes.

The Commission then voted unanimously (3-0) on motion of Chairman Brown to approve the FY 1997 Operating Plan proposal as presented by the staff in its briefing package of October 16, 1996, as amended by today's vote.

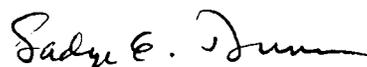
Commissioner Moore left the meeting and was not present for the second agenda item, noted below.

2. Ketoprofen

The Commission was briefed by the staff on a staff recommendation that the Commission issue a proposed rule requiring child-resistant packaging under the Poison Prevention Packaging Act for the nonsteroidal anti-inflammatory drug ketoprofen. No decisions were made at today's briefing.

There being no further business on the agenda, Chairman Brown adjourned the meeting.

For the Commission:



Sadye E. Dunn, Secretary



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

**Statement of Chairman Ann Brown
FY 1997 Operating Plan
Staff Performance Awards
October 31, 1996**

Our success in saving lives and reducing injuries is because of you...our career staff. The CPSC staff is truly a dedicated and talented group of people. I have said this many times and will continue to say it, because I truly believe it.

There is no way we could have accomplished what we have with so few people and so few dollars without your commitment and tireless efforts. In addition to your efforts, our success rests largely on the flexibility to allocate resources where they are most needed.

As promised in my messages to you at our full staff meetings, promotions have been made when funds were available and this will continue. Spot cash awards have been given, when possible, for exceptional performance.

In September, I had asked the Executive Director to provide me with other awards options that would acknowledge your achievements and dedication...and she will do that.

At the October 24 FY 1997 Operating Plan briefing, I asked the Executive Director to look at the feasibility of additional performance awards and quality step increases for the career staff... which she will do, as well.

Over the last 12 months, you have had to make real sacrifices and that has not been easy. At that time, I felt it was most important to maintain jobs...and to keep our full complement of staff.

Our budget situation, although somewhat improved, still requires that we maintain flexibility in deciding the extent to which performance awards and quality step increases can be restored.

While no motion was needed to accomplish these actions, I felt it was necessary to reaffirm our commitment to rewarding the staff for their continuous hard work.

During the mid-year review process we will hear the performance award options from the Executive Director.