



ASCC PERSONNEL MANUAL

RULES AND REGULATIONS

AMERICAN SAMOA COMMUNITY COLLEGE
P.O. Box 2609 PagoPago, AS. 96799

ASCC Personnel Manual Index

Chapter IV: Personnel Governance7

A. General Administration – Rules and Regulations:	7
4000a Applicability – Position Categories	7
4000b Administration	7
4000c Agency head responsibilities – Delegation	7
4000d Investigative Authority	7
4000e Enforcement Authority.....	7
4000f Discrimination Prohibited.....	7
B. Personnel Administration – Rules and Regulations:	7
4001a Delegation of Personnel Administration.....	7
4001b Receipt of Personnel Policies and Procedures - College Regulation.....	8
4002a Review of Personnel Governance Policies and Regulations.....	8
C. Employment	8
4003.1a Requirements Generally – Nepotism – Effective Dates.	8
4003.3a Administrative Responsibilities	8
4004a Competitive – Noncompetitive procedures Applicability.....	9
4005a Recruitment-Vacancy notice - Evaluation Announcement.....	10
4005.3a Applications	10
4005.3b Administrative Review	10
4005.4a Disqualification of, refusal to examine Applicant	10
4005.5a Examination – Final Rating	11
4006a Degree Requirements	11
4006b Documentation of Education for Placement.....	11
4006c Professional License and Certification.....	11
4006d Verification of Academic Credentials	11
4006e Falsification or Omission of Employment Information	12
4007.1a Probational or Trial Employees	12
4007.1b Probationary Period Review	12
4007.1c New Faculty Assessment Probation.....	12
4007.1d Notification of Successful Completion of Probation	13
4008a Faculty Time Allocation on Campus	13
4008.1a Appointment types	13
4008.2a Registers of Eligible Applicants.....	13
4008.2b Certification of Eligible	14
4008.3a Reinstatement after separation	14
4008.3b Promotion – Lateral movement – Transfer – Detail – Demotion	14
4010a Veterans preference.....	15
D. Employment Contracts	16
4120a When hiring permitted – Employment agreement.....	16
4120b Temporary contract specialists	16
4120c Assignment – Recruitment – Selection	16
4120d Contract Specialist Recruitment and Selection.....	16
4120e Assignment of Contract Specialist.....	17
4120f Compensation-Absence with pay-Review and reclassification.....	17
4120g Transportation.....	17
4120h Annual Leave - Sick Leave.....	19
4120i Medical benefits.....	19
4120j Termination of Cause.....	19
4120k Resignation – Termination without Cause.....	20
4120l Renewal of Contract	20
4120m Employment after Term of Contract.....	20
4120n Conduct-Reassignment-Career service eligibility-Self-employment	20
4120o Grievances – Striking prohibited	21
4120.1a Training.....	21

4120.1b Work-product ownership – Discoveries and documents	21
4120.1c Dependents defined – Family status reports	21
4120.1d Immigration status – Departure upon termination	21
4120.1e Types of Employment Contract Agreement	21
4120.1f Employment Clearance.....	21
4120.1g Verification of Qualifications	22
4120.1h Conduct of Contract Specialist	22
4120.1i Terms of Service.....	22
4120.1j Dependent and Family Status	22
4120.1k Contract Specialist Reclassification.....	22
4120.1l Renewal of Contract	22
4120.1m Reassignment.....	22
4120.1n Career Service Eligibility.....	22
4120.1o Training.....	23
4120.1p Grievances-Striking Prohibited.....	23
4120.1q Work-Product Ownership-Discoveries and Documents.....	23
4120.1r Immigration Status	23
4120.1s Contract Specialist Transportation	23
4120.1t Travel and Shipment Entitlements.....	23
4120.1u Property Allowed and Prohibited.....	23
4120.1v Weight Allowance	24
4120.1w Renewal Transportation Benefits for Two Year Off-Island Hire	24
4120.1x Completion of Contract.....	24
4120.1y Contract Specialist Benefits.....	24
4120.1z Contract Specialist Compensation	24
4120.1a1 Contract Specialist Annual Leave Accrual and Pay Out	24
4120.1a2 Sick Leave Accrual and Pay Out	25
4120.1a3 Medical and Dental	25
E. Employment Conditions	25
4203a Responsibility and Department-Off-the-job Conduct.....	25
4203b Misconduct.....	25
4203c Subordination to Authority	25
4203d Selling or Soliciting	25
4203e Outside Business Activity and Conflict of Interest.....	26
4203f Community and Professional Activities	26
4203g ASCC Property	26
4203h Gifts.....	26
4203i Information	26
4203j Unintentional and Indirect Subordination.....	26
4203k Political Affiliation	26
4203l Political Activity	27
4203m Financial responsibility.....	27
4203n Contracts with Employees	27
4203o Financial Interest.....	27
4205.2a Review of Records	27
4205.2b Access to Employee Master File.....	27
4205.2c Notification of Changes	27
4205.4a File Retention	28
4206a Outside Employment.....	28
4207a Violence in the Workplace.....	28
4208a Equal College Employment Opportunity Policy.....	28
4208b Equal Employment Opportunity Affirmative Action Plan	28
4208.1a Policy generally – American Samoa preference	28
4208.1b Employment Preference and A.S.C.A § 7.0101 et. seq.	29
4208.1c Employment Preference Immigration Laws	29
4208.2a Affirmative action conformance to federal Provisions	29
4208.3a Enforcement responsibility – Staff, subcontract, or contracting agency Compliance	29
4208.3b Compliance Officer.....	29

4208.3c EEO coordinators – Publicity.....	30
4208.3d Contract-seeker compliance-Third Parties-Monitoring.....	30
4209a American with Disabilities Act (ADA) Compliance.....	30
4210a Non-Discrimination.....	30
4212a EEO and Affirmative Action Grievances-Appeals.....	30
4212b Appeal-Right of career Employees.....	30
4212c Appeals to the Board of Higher Education and Procedures.....	30
4212d Grievances.....	31
4216a Smoking Prohibited.....	31
F. Employment Development.....	32
4300a Performance Evaluation.....	32
4300b Faculty Instructional Evaluations.....	32
4300c Administrative Student Services Evaluation.....	32
4301a Discipline policy generally – Scope of reasons for Removal.....	32
4301b Removal, suspension, demotion of career Employees.....	32
4301c Probational or trial Employees.....	33
4301d Letter of Reprimand.....	33
4301e Involuntary Reassignment.....	33
4301f Involuntary Reassignment applicability.....	34
4301g Absence without leave – Abandonment of position.....	34
4301h Abandonment of Position Procedures.....	34
4301i Hearing Before an Investigative Board (not same as BHE).....	34
4301j Resignation.....	34
4301k Other termination Actions.....	35
4301l Lay Off-Reduction-in Force.....	35
4301m Clearance for Terminating Employees.....	35
4303a Standard Schedule of Disciplinary Offences and Penalties General Statement.....	35
4303b Standard Schedule of Disciplinary Offences and Penalties Purposes.....	36
4303c Standard Schedule of Disciplinary Offences and Penalties Application.....	36
4303d Combination of Offenses.....	36
4303e Reckoning Period.....	36
4303f Letters of Reprimand.....	36
4303g Suspensions.....	36
4303h Demotions.....	37
4303i Considering the Past Record.....	37
4303j Voluntary Resignation.....	37
4304a Termination Actions.....	37
4304b Removal of Faculty from Teaching.....	37
4304c Absence Without Leave – Abandonment of Position.....	37
4304d Layoff – Reduction in Force.....	38
4304e Exit Interview.....	38
G. Training and Development.....	38
4306a Training and Development Purpose.....	38
4306b Management Responsibility – Individual Responsibility.....	38
4306c Departmental Committees.....	38
4306d Scope of Activities.....	38
4306e Records – Reports – Expenditures.....	39
4306f Training and Professional Development.....	40
4306g Training Records.....	40
4306h Employee Recognition of Training and Development.....	40
H. Employee Conduct.....	41
4400a Timesheet.....	41
4400b Making Up Time.....	41
4400c Docking of Pay.....	41
4400d Faculty Absence from Course.....	41
4400e Time Reporting.....	41
4400f Time Clocks.....	41

4400g Work Schedule (Traditional)	41
4400h Work Schedule (Alternative)	42
4404i Break Periods	42
4400j Appropriate Dress	42
4400k Personal Telephone Calls.....	42
4400l Safety practices	42
I. Employee Benefits and Services	42
4500a Faculty Leave	43
4500b General Leave Purpose	43
4500c Administrative Responsibilities	43
4500d Annual leave – Charges to Leave	43
4500e Sick Leave.....	45
4500f Granting of Leave.....	45
4500g Maternity Leave.....	46
4500h Intermittent or Reduced Leave Schedule.....	46
4500i Family Medical Leave Ends	46
4500j Medical Certification	46
4500k Leave Sharing Policy (formerly 4509)	47
4500l Professional Development Leave	47
4500m Bereavement Leave.....	48
4501a Advanced Annual and Sick Leave	48
4501b Sick Leave Advances.....	48
4503a Leave without Pay.....	49
4503b Political Leave	49
4503c Military Leave.....	49
4503d Excused Absence	50
4503e Excused Absences Notification.....	50
4503f Unauthorized absence.....	51
4505a Worker’s compensation recipients	51
4506a Holidays – Designated - Proclamation.....	51
4506b Holidays – Day Observed.....	51
4508a ASCC Employees eligible to receive Retirement Benefits.....	52
4509a Purpose of incentive Awards	52
4509b Budgeting – Incentive awards Committee – Award approval Authority.....	52
4509c Superior Performance Award.....	52
4509d Special act or Service Award.....	52
4509e Group Awards	52
4509f Tenure Award.....	53
4509g Operator of the month Award.....	53
J. Classification and Pay Administration	53
4600a Establishment of System.....	53
4600b Wage Schedule Applicability and Bases	53
4601a Compliance with Fair Labor Standard Act provisions on Exempt Threshold	53
4602a Position Classification System.....	53
4602.1a Effective Date of Actions.....	53
4602.1b Administrative Review	54
4602.2a Position Descriptions	54
K. Salary Administration.....	54
4603.1a Pay Schedules.....	54
4604.1a Step-increment increases for length of service-Pay Schedule Structure.....	55
4605a Overtime-Compensatory Time.....	55
4605b Shift Differential	56
4608a Timesheet.....	57
Chapter VI: Site Facilities Governance Policy Statements	57
A. College Facilities and Property	57

6000a Display of Flags	57
6100a Use of College Facilities	57
6101a Use of College Property / Removal of College Property from College Premises	57
6102a Use College Owned Vehicles and Equipment	57
6110a Physical Facilities Planning and Reporting.....	58
6110b Capital Improvement Plans and Construction	58
6111a Annual Physical Report.....	58
6111b Contractual Services	58
6112a Comprehensive Physical Plan.....	58
6130a Quarterly Comprehensive Maintenance Plan.....	58
6140a Custodian and Maintenance Program	58
6150a Procedures for Emergency and Evacuation Plans.....	58
B. College Campus Safety and Security.....	58
6200a Campus Safety	59
6210 Campus Security	59
6210.1 Security of Buildings	59
6210.2 Identification Requests.....	59
6210.3 Traffic Control	59
6210.4 Vehicle Stops	59
6210.5 Permittable Parking.....	59
6210.5a Decals.....	59
6210.5b Disability Parking	60
Chapter VII: Financial and Procurement Governance Policy.....	61
A. Accounting.....	61
7000a General Accounting	61
7000.4a Returned Checks	61
7000.4b Blank Check Control.....	61
7000.4c Issuance and Return of Blank Checks.....	61
7000.4d Voided or Canceled Checks.....	61
7000.4e Stop Payment Cancellations.....	61
7000.4f Storage of Paid, Voided and Canceled Checks	62
7000.4g Paychecks Not Claimed by Payee.....	62
B. Investment.....	62
7004a Investments	62
C. Internal Controls.....	62
7005a Internal Control	62
7005.1a Design of Internal Control System.....	62
7005.1b Documentation of Internal Controls	62
7005.1c Administration of Internal Control.....	63
7005.1d Review and Evaluation of Internal Controls.....	63
7005.3a Reserve Funds	63
D. College Assets	63
7006a ASCC Assets Defined.....	63
7006b Inventories of Materials and Equipment.....	64
7007a Procurement Management	64
7006.1a Sale or Disposal of Property or Equipment Above \$5,000.....	64
E. Budget	64
7007a Budget	64
7007b Budget Transfers.....	64
7007c Budget Transfer Restrictions.....	64
F. Payroll.....	65
7008a Payroll – General.....	65
7008b Salary and Wage Payments.....	65

7008c Payroll Deductions and Reductions	65
7008e Payroll Cycles	65
7008f Retroactive Pay	65
7008g Overpayments	66
7008h Time Reporting	66
7008i Departmental Check and Direct Deposit Earning.....	66
7008j Review of Distribution of Payroll Expense Reports.....	66
7008k Notification of Employee Termination	67
7008l Paid Annual Leave at Separation.....	67
7008m Wage Attachments and Levies	67
G. General Travel.....	67
7009a Travel Authorization	67
7009b Per diem allowance – Rates set by ASCC	67
7009c Travel Costs and Reporting.....	67
7009d Expense Reimbursement Limitations and Receipts.....	69
7009e Petty Cash Fund	69
7009f Fund Replenishment	69
7009g Use of Petty Cash.....	69
7009h Receipt of Cash	69
7009i Deposit of Cash Receipts	70
H. Grant Programs and Sponsored Projects.....	70
7010a Administration of Grant and Sponsored	70
7010b Financial Responsibility for Grant and Sponsored Project Funds	70
7010c Accounting Authority & Responsibility	70
7010d Grants and Sponsored Project Budget	70
7010e Federal Direct Cost Expenditures	70
7010f Unallowable.....	71
7010g Time and Effort Reporting.....	71
7010h Cost Centers	72
7010i Facilities and Administrative Costs	72
7010j Cost Transfers and Payroll Reallocations.....	72
7010k Cost Sharing and Matching.....	72
7010l Participant Support	72
Appendices:.....	74
Appendix A: Standard Schedule of Disciplinary Offense and Penalties	74
Appendix B: Standard Schedule of Disciplinary Offenses and Penalties	76
Glossary:.....	81

Chapter IV: Personnel Governance

A. General Administration – Rules and Regulations:

4000a Applicability – Position Categories

These regulations apply to all career service positions and employees. The ASCC personnel system is composed of career service positions and contract specialists. The objectives of the ASCC system of personnel administration are consistent with those of the ASG system, as described in 7.0201 A.S.C.A.

4000b Administration

The President is responsible to the Board of Higher Education for exercising leadership in and for the administration of all aspects of ASCC personnel management covered in these regulations, in accordance with appropriate ASCC, ASG, and U.S. statutes and rules, standards, and procedures designed to promote the efficiency of the agency service and to serve the needs of ASCC. The President shall maintain a system of periodic review to determine that all rules relating to his or her assigned responsibilities are being carried out. Whenever such review reveals failure on the part of any individual or department to comply with established policies, the President will take such action as may be considered appropriate.

4000c Agency head responsibilities – Delegation

The President is responsible for carrying out the basic personnel development and management requirements of ASCC. Included in this responsibility are: Cooperation with the ASG Office of Human Resources as necessary and appropriate:

1. Active, concerned leadership in assisting employees to carry out individual development plans.
2. Prompt and accurate action in all hiring of new employees, promotions, transfers and disciplinary actions in conformance with these regulations.
3. Ensuring that ASCC personnel practices comply with these regulations as well as territorial statutes governing public personnel administration:
4. Ensuring that ASCC positions are filled by suitable and qualified applicants. The training and technical aspects of personnel administration may be delegated to supervisors, trainers, and personnel officers, but the basic responsibility for overall personnel administration at ASCC remains with the President.

4000d Investigative Authority

The President may cause investigations to be made as necessary to enforce Title 7 ASCA et. seq. and other pertinent portions of law and the rules governing employment. This may include investigations into the qualifications and suitability of applicants for positions.

4000e Enforcement Authority

Whenever an investigation indicates that any person has been appointed to, or is holding, or performing the duties of, a position in violation of any of the laws and rules governing employment, the President is authorized, after giving due notice and opportunity for explanation, to certify the facts to the ASCC Human Resources Officer and thereafter no payment shall be made of salary or wages accruing to the employee in question.

4000f Discrimination Prohibited

There shall be no discrimination against any person on the basis of race, religious beliefs, color, age, sex, national origin, marital status, or physical and mental handicap, except for bona fide occupational or legal requirements.

B. Personnel Administration – Rules and Regulations:

4001a Delegation of Personnel Administration

The training and technical aspects of personnel administration may be delegated to supervisors, trainers, and the Human Resources Officer.

4001b Receipt of Personnel Policies and Procedures - College Regulation

ASCC departments and divisions upon receipt of their copy of the Personnel Governance, and employees receiving a copy of the employee handbook affecting their employment or any addendum thereto, must sign a “Receipt of Personnel manual (Administrative Governance) and Employee Handbook. An employee’s signature will signify they have read and understood personnel governance policies, and acknowledge their understanding that no part of this section shall be construed as being an employment contract either implied or expressed between employee and ASCC.

4002a Review of Personnel Governance Policies and Regulations

All academic, administrative, student support divisions shall conduct a timely review (annual/biannual) of Rules and Regulations following the cycle of the College’s Comprehensive Program Review and Assessment of Instructional Programs, Student Services, and Administrative Services as per Policy 1004. Procedures for the review of College Rules and Regulations shall be defined in the President’s Participatory Governance Structural Manual.

C. Employment

4003.1a Requirements Generally – Nepotism – Effective Dates.

In filing vacancies within the career service, ASCC will adhere to the policy guidelines set for in 7.0204-7.0214 ASCA. It is a requirement that:

1. Appointment and promotions to all positions shall be made solely on the basis of merit, fitness, length and quality of previous service, and relative skills, knowledge, and ability as shown by examinations;
2. The same standards and methods shall be used in evaluating all candidates who are in competition for the same class;
3. Permanent residents of American Samoa, or persons entitled to permanent residence as determined by the immigrations law of American Samoa, shall be given first consideration for employment. This includes persons who meet the following criteria:
 - (A) The applicant was born in American Samoa;
 - (B) One of the parents of the applicant was born in American Samoa;
 - (C) The applicant is married to an American Samoa;
 - (D) The applicant was legally adopted by an American Samoan;
 - (E) The applicant has resided continuously in American Samoa for at least 20 years and has been approved by the immigration board.

Only when no permanent resident can be found who meets the minimum qualification for employment establishment for a particular class of work can another person be employed;

4. Applicants who have been selected for positions in the career service must successfully pass a pre-employment physical examination before they can be appointed;
5. In all recruitment and placement activities, it is the policy of ASCC that 2 or more members of a family may be employed within the same office as long as one member does not officially and immediately supervise the other. This requirement not only is applied on the basis of facts as they exist as of the time of appointments but at any time while serving as an employee of ASCC.
6. The official effective date for all recruitment and placements actions, as well as other personnel actions, shall be established by the president of ASCC except in the case of resignation, the date of which is established by the employee who is resigning. Effective dates are not made on a retroactive basis. The effective date for within-grade step increments is described in the section of these regulations on classification and pay. Effective dates for appointments can only be established after the prerequisite medical, police, immigration clearances have been obtained by ASCC. Retroactive effective dates are only set when an administrative error has occurred or an appeals action results in retroactive corrective action.

4003.3a Administrative Responsibilities

The President has primary responsibilities for establishing and administrating procedures for filling vacancies in compliance with appropriate federal and ASCC rules. However, all employees and supervisors share responsibility for successful operation of the system.

1. The President is responsible for:
 - (A) Implementing a merit system policy and procedural guides for filling positions;
 - (B) Providing leadership and support for the merit system as it relates to all segments and activities of ASCC;
 - (C) Assuring that managers and supervisors are aware of the objectives and requirements of this program.

- (D) Assuring that applicants or potential applicants are informed, at least annually, that they may file or re-file employment applications with ASCC.
- 2. Managers and supervisors are responsible for:
 - (A) Providing active support to the objectives of the merit system and fully complying with the intent as well as the procedural requirements of the program;
 - (B) Evaluating candidates full and equitably to assure that each selection confirms to the objectives of an effective merit system.
 - (C) Selecting from among the best-qualified candidates and releasing, within a reasonable time, their subordinate employees selected for promotion, transfer or reassignment;
 - (D) Providing firm merit system support to employees and keeping themselves fully informed so as to be able to provide employees with information on the merit system and its operations;
 - (E) Counseling employees on ways to improve promotion potential and assisting them in self-development activities;
 - (F) Participating with personnel officials in determining qualification requirements and evaluation methods for specific positions.
- 3. ASCC's Human Resources office is responsible for:
 - (A) Developing and employing the procedures necessary for recruitment, examination, and certification;
 - (B) Developing, in cooperation with directors, deans, managers, and supervisors, qualification requirements and evaluation methods for specific positions;
 - (C) Providing the necessary technical competence required to operate the merit system and publicize its operation;
 - (D) Announcing examinations and/or position vacancies as appropriate, rating applications, establishing and maintain lists of eligible applicants, issuing lists of eligible applicants to selecting officials;
 - (E) Maintaining the required documentation of all personnel actions covered by the plan; personnel action on a position change.
- 4. Employees are responsible for:
 - (A) Familiarizing themselves with the provisions of the merit system;
 - (B) Personally, applying for announced vacancies in which they meet qualifications standards, by submitting required, designated applications material;
 - (C) Demonstrating that they have the skills, abilities, and personnel qualifications necessary for the positions for which they seek consideration;
 - (D) Performing the duties of their current positions in a manner indicating they are ready for advancement.

4004a Competitive – Noncompetitive procedures Applicability

Vacancies can either be filled competitively or non-competitively.

- 1. Competitive procedures apply to the following types of actions:
 - (A) Selection of an applicant not employed by ASCC for either a permanent or temporary appointment;
 - (B) Promotion of an employee in the career service, except under circumstances specified under subsection (2) of this section;
 - (C) Reinstatement of a former ASCC employee who has completed his or her probationary period in the career service, to a higher-grade position than the candidate's last position or to a position with known promotion potential;
 - (D) Selection of an employee who is in a non-supervisory position to fill a supervisory position.
- 2. Noncompetitive procedures apply to the following types of actions:
 - (A) Promotion of an employee for which competitive procedures were used at an earlier date, such as:
 - i. Career promotion, reassignment, etc. made under training agreements;
 - ii. Career promotion(s) of employees up to the full performance level position in the career ladder;
 - iii. Career promotion(s) of employees in an understudy position to the target position;
 - (B) Promotion(s) of incumbents to positions in the competitive service reconstituted in higher grades because of:
 - i. Change in classification standards;
 - ii. Error in the allocation of the original position;
 - (C) Re-promotions of employees to positions or grades from which demoted without personal cause or to intermediate grades below the grades from which demoted;
 - (D) Conversions to a different pay system without change in duties and responsibilities;

- (E) Reinstatement of a former ASCC employee who has not completed the probationary period in the career service to the same or similar class held previously at ASCC;

Transfer of employment from one department to another department. If such transfer also involves promotion, promotion procedures apply.

4005a Recruitment-Vacancy notice - Evaluation Announcement

In filing vacancies competitively, all recruitment efforts shall be conducted publicly in a manner which will attract a sufficient number of qualified persons to meet the needs of ASCC. Position action requests will be completed for all new positions or changes to existing positions. These are prepared by ASCC and approved by the President. Vacancy notices and/or examination announcements shall then be advertised and posted publicly. They shall specify title and salary range of the class, information on the duties performed, applicable minimum or desirable qualifications, and type of examination. Open competitive recruitment shall be for at least 15 calendar days except that in the case of great need, the President may reduce the filing period to five (5) days.

4005.3a Applications

All applications shall be on a form prescribed by the President. The applicant's signature shall certify the truth of the stated information. Applications shall remain under active consideration by ASCC for one year from the date received.

1. No information shall be solicited or accepted which reveals religious or political affiliations of the applicant. Information regarding the race or ethnic background of applicants shall be solicited only for use in an affirmative action minority employment program.
2. Applications filed with ASCC by the date specified in the vacancy notice or examination announcement will be considered.
3. Any person who willfully makes false statements concerning a material matter in any application for employment with ASCC may be fined in an amount not to exceed \$100, or imprisoned for not more than six (6) months, or both.

4005.3b Administrative Review

The President has responsibility for the recruitment, examination and certification of eligible, and for the proper classification of positions to titles, grades and pay. Any person, who believes his or her application to have been improperly evaluated, may request in writing that his or her case be reviewed.

1. The request must indicate the person's basis for the belief that the application or position was improperly evaluated.
2. The request, to be acceptable, must be filed within 10 calendar days of the official notice to the employee.
3. The President shall cause the case to be reviewed and notify the person, in writing, of the findings upon review.
4. If still dissatisfied, the person may file an appeal, following the procedures outlined in these regulations.

4005.4a Disqualification of, refusal to examine Applicant

Accepted standards of personnel practice will be followed in screening applicants. An interview form will be filled out for all applicants interviewed by ASCC by either the department head or other participating interviewer. The form is routed to the President at the completion of the interview for use in the selection process. ASCC may refuse to examine an applicant or, after examination, may disqualify such applicant or remove his or her name from a register or refuse to certify any person otherwise eligible on a register if the applicant:

1. Is found to lack any of the requirements established for the class;
2. Is physically unfit to perform the duties of the class;
3. Is addicted to the use of narcotics or the habitual excessive use of intoxicating beverages;
4. Has been convicted of any offense that would adversely affect ASCC and which would be grounds for disqualification from the position for which he or she is applying;
5. Has made a false statement of material fact in his or her application;
6. Has previously been dismissed or requested to resign from private or public service for delinquency, misconduct, inability to do similar work, or any other lack of fitness as an employee;
7. Has used or attempted to use, bribery to secure an advantage in the examination or appointment;
8. Has directly or indirectly obtained information regarding examinations to which he or she was not entitled;
9. Has taken part in the compilation, administration or correction of the examination.

4005.5a Examination – Final Rating

The President or his or her designated representative shall determine, by uniform standards, the appropriate examination for a register for a class and the tests or combination of tests and relative weights to be assigned, ensuring at all times that the examinations are job-related.

1. Examinations shall be practical in nature, job-related, and of such character as to determine the capacity of the applicant to perform the duties of the particular class of positions for which he or she is competing as well as his or her general background and related knowledge and shall be related objectively. A passing score will be established for each test included in the examination.
2. Whenever possible, standards for employment will give all due recognition to practical experience in the function and probably aptitude for learning while on the job, rather than relying in the main on formalized education and training.
3. Examinations shall normally consist of one or a combination of the following:
 - (A) A written test;
 - (B) A performance test;
 - (C) An oral test;
 - (D) An evaluation of experience and training.
4. Examinations shall be held at such times and places as are necessary to meet the requirements of the career service, provide economical administration, and be generally convenient for applicants.
5. Examination announcements shall specify the desirable or minimum requirements, the parts of the examinations, and the method of rating. Announcements shall be prominently posted to ensure that the information is reasonably available to all.
6. A performance evaluation may be used to construct scores in promotional examinations, provided that the President determines such evaluations are practical and necessary to improve the effectiveness of the examination.
7. Each applicant shall receive information regarding his or her score on any part of the examination, or may give written authorization for his or her supervisor or department head to obtain the information for him or her. The same information may upon request be furnished to the supervisor or department head concerning a certified eligible.

4006a Degree Requirements

All degrees earned by faculty must be either from a U.S. regionally accredited institution or a non-U.S. institution equivalent to U.S. qualifications. Applicants with degrees from a non-U.S. institution must be recognized and verified by a third-party evaluator that ensures the equivalent qualifications. Presentation of a transcript is required prior to employment. The employee will pay for the official transcript that will be mailed directly to ASCC Human Resources Division. In addition, any staff position requiring an educational degree as a qualification shall be a requirement for employment with ASCC.

4006b Documentation of Education for Placement

Official transcripts are required to be sent directly from the issuing institution to the ASCC Human Resources Division to document compliance with the ASCC employment policies. Faculty members and applicable staff or administrators must comply with the requirement to document all education listed on the employee's application that satisfies the requirements of the job announcement.

4006c Professional License and Certification

An employee whose job requires professional license or certification must present documentation of their license or certification prior to employment.

1. The employee will pay the cost of obtaining their license or certification, and maintaining it in a current state.
2. Copies of the license or certification, plus copies of all renewal or changes, must be provided by the employee for inclusion in their official personnel file.
3. Employee must notify their supervisor of any changes in the status of their license or certification.

4006d Verification of Academic Credentials

ASCC Human Resources Division will verify education credentials listed on employment applications and or resume for candidates and all entering employees for positions of employment within the College. Any costs assessed by ASCC for verification of credentials or transcripts shall be the sole responsibility of the applicant.

4006e Falsification or Omission of Employment Information

Corrective action shall be taken when an employee has falsified, failed to report, or incorrectly reported background information on the application for employment and or on any employment or medical related forms. The President will decide, in conjunction with the written recommendation of the Human Resources Officer as to whether the employee will be allowed to continue employment in the same position based on the effect the corrected information would have had on the original employment decision if the information had been available at that time.

4007.1a Probational or Trial Employees

Any employee serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. Employees serving their original probationary period may be separated at any time during such period upon proper recommendation and 5 working days prior notice, without right of appeal.

1. Supervisors shall carefully observe the performance and conduct of employees who are serving the probationary period to determine whether the retention of such employee is in the best interests of ASCC.
2. Three months prior to the expiration of an employee's probationary period, the President shall determine whether the employee is to be retained. If the employee is not to be retained, the President and the employee's immediate supervisor shall advise the employee in writing. The President shall proceed with the separation action as follows:
 - (A) Issue a written notice to the employee advising him or her that he or she will be separated as of a particular date, the reason(s) therefore, and that she or she has no right of appeal, except in cases of alleged discrimination because of sex, creed, color, or marital status.
 - (B) The chapter of these regulations on recruitment and placement addresses separation of a career service employee serving a new trial period.

4007.1b Probationary Period Review

As a final test of employability, in positions of original appointment, promotion, or transfer to a class that has different qualifications, a probationary period shall be required. During this period, the employee has no right to expect continued employment in that position and employment can be terminated at any time. Employment beyond the probationary period is contingent upon a satisfactory evaluation of the employee's performance. Probationary Progress Review reports are due on the 3rd and 6th months of employment to the Human Resources Division for processing.

Extension of probation period may be considered under certain performance substandard. If a department or division Dean or Director or Officer requires some additional time to make a final determination about the fitness of the probationary employee for the job, he or she may request an extension of the probationary period. Such extension shall not exceed three months. At the end of that period a final determination about the continued employment of the probationary employee will be made. *In the case of full-time faculty, an extension of probation period may exceed three months to the end of the semester. This consideration is made for faculty given their scope of instructional responsibilities.*

Department Director or Divisional Dean or Officer requesting an extension of probation should write to the President via the Human Resources Division at least 30 days before the employee's probationary period is to expire. He or she will be asked to provide information about the specific areas in which the employee must improve in order to be eligible for continued employment.

4007.1c New Faculty Assessment Probation

ASCC shall conduct faculty assessment during the first semester of instructions – this will allow the applicants the opportunity to demonstrate the skills and abilities that will enable them to be effective facilitators at ASCC.

New faculty are on probation for one year during which time the new employee will demonstrate the skills and abilities of an able instructor and facilitator, be mentored by the chairperson or a veteran faculty, and time duration of probation will allow for evaluation of performance by the program chairperson.

4007.1d Notification of Successful Completion of Probation

When the Human Resources Division receives a recommendation for continued employment from the probationary employee's Department or Division Head, a notice will be sent to the employee informing them that they have successfully completed their probationary period. The achievement of the one-year anniversary date does not automatically signal the end of the probationary period. Normally, the notice will be sent to the employee immediately following the end of the first six months of employment. An employee will be considered to be on probation until such time as notified otherwise by the Human Resources Division.

The grievance and appeal procedures are not available to probationary employees, with the exception of those employees who claim and provide evidence that unlawful discrimination has resulted in their being adversely affected.

4008a Faculty Time Allocation on Campus

All full-time faculty are to work 40 hours a week, with the following expectations of being on campus at least 6 hours a day, with 5 hours a week in their offices to be available for student's consultation.

All full time and part time faculty are required to post their daily work schedule on their door or near their office.

4008.1a Appointment types

1. Career Service Appointments. Career service appointments are always made through open competitive civil service examination procedures to fill permanent, regularly budgeted positions from the open or promotional registers. They require a probationary period of one-year, satisfactory completion of which is a requisite for permanent status in the position.
2. Temporary Appointments.
 - (A) When there is work of temporary nature, at the completion of which the services of an additional employee will not be required, the President may authorize a temporary appointment for a period not in excess of one year.
 - (B) Such appointment shall be made from eligible applicants, if available. The selection of an eligible applicant from the register shall not affect the retention of the eligible applicant. The eligible applicant shall continue to be considered for probational appointment, should an appropriate vacancy occur.
 - (C) Service under a temporary appointment is not creditable for permanent status.
3. Emergency Appointments.
 - (A) When an emergency occurs requiring the immediate service of a person or persons, the President may make an emergency appointment.
 - (B) Justification of the emergency must be submitted to and approved by the President.
 - (C) An emergency appointment of an American Samoa national may not be made to exceed 30 days unless the appointment is extended by the President up to a maximum of an additional 30 days, based on agency justification of the continuing state of emergency.
 - (D) Service under an emergency appointment shall not constitute a part of the employee's probationary period.
 - (E) If a person other than an American Samoa national is to be appointed, immigration clearance must be secured prior to entrance on duty, but police and medical clearances may be furnished during the 30-day emergency period.
4. Disaster Emergency Appointment. In case of a disaster, the President is authorized to make direct emergency appointments without any clearance, for a period not to exceed ten working days.

4008.2a Registers of Eligible Applicants

The following types of registers shall be established and maintained by ASCC:

1. Reduction-in-force Register:
 - (A) Composition. A reduction-in-force register will be prepared for each classification, listing the names of all employees who have permanent status and have been notified that they are scheduled for reduction-in-force, or who held permanent status prior to separation due to a reduction-in-force, or who have accepted a voluntary demotion in a class in lieu of reduction-in-force. The employee's name shall appear for all classifications in which he or she held permanent status and, where appropriate, the employee's geographic availability will be shown.
 - (B) Method of Ranking. This register will be ranked according to seniority; those with the longest period of performance rated four or better on their final names placed in descending order. Those with performance evaluations showing ratings of less than four will be placed at the bottom of the list, regardless of years of service.
 - (C) Life of Register. An eligible applicant's name will normally remain on this register for one-year.

- (D) Certification. Names from this list shall be certified first to the selecting authority before those from any open or promotional register.
- 2. Promotional Register:
 - (A) Composition. The promotional register will be established for a specific position in the agency and shall include the names of current, permanent employees and/or past permanent employees who have been separated due to reduction-in-force within the last year who have received a passing final grade in the promotional examination and eligible to be certified.
 - (B) Method of Ranking. This register will be ranked according to final score from the highest to the lowest.
 - (C) Life of Register. The Life of the promotional register shall be until the position is filled.
- 3. Open Competitive Register:
 - (A) Composition: The open competitive register will contain the names of all persons who have passed the appropriate examination for each class of work on an open basis.
 - (B) Method of Ranking: This register shall be ranked by the final score, from highest to lowest.
 - (C) Life of Register: The life of a register shall be one-year or until replaced by a register established through a new examination.
 - (D) Eligible applicants may be removed from the register under the following circumstances:
 - i. On evidence that the eligible cannot be located by the postal authorities or by the village Pulenu'u;
 - ii. On receipt of a statement from the eligible declining an appointment and stating that he or she no longer desires consideration for a position in the class.
 - iii. Of 3 offers of a probationary appointment to the class for which the register was established have been declined the eligible;
 - iv. If an eligible fails to reply to a written enquiry as to availability after 5 days in addition to the time required to receive and return the inquiry.
 - v. If an eligible accepts an appointment and fails to present himself or herself for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

4008.2b Certification of Eligible

Authorized position vacancies can only be filled from the list of eligible applicants.

- 1. Upon identifying the need to fill a position, the President shall cause to be prepared an eligible list consisting of:
 - (A) Names of eligible applicants from the reduction-in-force list, if any. The selection must be made from this list if one exists.
 - (B) Names of eligible from the pertinent open or promotional list. No more than 5 names will be considered, except where candidates below the fifth rank have the same numerical score as the person named as number five; in this instance, additional names will be included to the extent there are eligible with the same score.
- 2. Fair consideration must be given to all eligible names. One of the following actions will be taken:
 - (A) Appointment of one of the eligible candidates.
 - (B) Consideration of additional names in place of eligible who:
 - i. fail to reply within 4 days of notice to appear for consideration;
 - ii. are not satisfactory for valid or pertinent reasons directly connected with the position
 - (C) Decision not to fill the position.

4008.3a Reinstatement after separation

- 1. Any person who has satisfactorily completed a probationary period in the career employee service and who has separated therefrom, may be reinstated to a position with the same or similar duties to those he or she previously performed, provided his or her reemployment is not prohibited by rules or laws relating to the reemployment of employees separated for cause or who have abandoned their positions.
- 2. Reinstatement to the same class of work or grade previously held is noncompetitive.

4008.3b Promotion – Lateral movement – Transfer – Detail – Demotion

The following types of in-service placement exist within the career service:

1. Promotion.
 - (A) No employee shall be eligible to be hired from a promotional register until he or she has gained permanent status; however, a probationary employee may be admitted to a promotional examination if the announcement for the position vacancy has an established closing date and if the employee has served three months of his or her probationary period. Employees who have not completed their original probationary period, if selected, must serve a new probationary period. Employees who are otherwise qualified will be admitted to promotional examinations if they are within two months of the experience required by the minimum qualifications and are assigned to a position which provides qualifying experience.
 - (B) A permanent employee who is promoted and who fails to satisfactorily complete the probationary period shall be given fifteen (15) calendar days written notice no earlier than ninety (90) days after assuming the position. The President will notify the employee of the date he or she will automatically revert to his or her former classification. If there are no vacancies in that class, he or she is placed on the reduction-in-force register. An employee who is reverted does not have the right to appeal. If an employee is unable to be placed into another position at the end of a total of 180 days, the employee shall be terminated.
2. Lateral Movement
 - (A) Reassignment: Reassignment is the movement of a permanent employee from one position to another in the same or another class within ASCC with the prior approval of the President. If a reassignment includes a promotion, the rules governing promotion apply.
3. Detail
 - (A) Details are intended only for meeting temporary needs of the agency's or another government agency's work program, when necessary, services cannot be obtained by other, more desirable or practical means. Interagency details are particularly appropriate for temporary service in the performance of official government functions such as providing disaster assistance, preparation for Flag Day, or election services.
 - (B) Detailing employees to other kinds of positions immediately after competitive appointment tends to compromise the competitive principle and is not permitted. Except for an emergency detail of 30 calendar days or less, an employee may not be detailed for at least 3 months after the initial appointment.
 - (C) ASCC management is responsible for keeping details within the shortest practicable time limits and for making a continuing effort to secure necessary services through use of appropriate personnel actions.
 - (D) Details for 30 or more calendar days shall be recorded on the prescribed form and maintained as a permanent record in official personnel folders. Details of less than 30 calendar days need not to be officially documented, but should be recorded on department records.
 - (E) All details to higher grade positions will be confined to a maximum period of 120 days unless approved by the President.
 - (F) Detail appointments shall be from among those employees who are interested and available to accept such appointments when there are no individuals available who meet the minimum requirements. Primary consideration should, however, be given to eligible applicants on the agency promotional register for the class or for a related class as determined by the President.
 - (G) An employee who accepts a detail for 30 calendar days or more to a higher graded position shall be paid according to the rule regarding promotion. An employee accepting a detail for less than 30 calendar days shall retain his or her current salary.
 - (H) An employee shall not achieve permanent status in the position to which he or she has been detailed and upon termination of the detail shall be returned to his or her former position.
4. Demotion
 - (A) Demotion may be disciplinary or non-disciplinary, voluntary or non-voluntary.
 - (B) An employee who is demoted may not receive pay at a higher rate than he or she received before demotion.

4010a Veterans preference

1. In open competitive examinations, eligible veterans shall receive preferential consideration as follow:
 - (A) Ten additional points to a disabled veteran. This preference shall be utilized in the open competitive examination only and not in any promotional examination;
 - (B) Five additional points to a veteran or the unmarried widow(er) of a veteran. This preference shall be utilized in open competitive examination only and not in any promotional examination.

2. The names of preference eligible shall be entered upon the appropriate registers ahead of others having the same score.
3. If the selecting authority passes over a preference eligible whose name appears on the certificate of eligible forwarded to him or her, and selects a non-preference eligible, he or she shall file written reason thereof with the President.
4. When three (3) or more names of preference applicants appear on a certificate of eligible applicants, the selecting official may select only a preference eligible to fill the vacancy under consideration.

D. Employment Contracts

4120a When hiring permitted – Employment agreement

When there are no qualified eligible available for a given position, excepted appointments of qualified applicants residing outside of American Samoa may be made by contract. The terms of a contract specialist's employment are specified in the employment agreement he or she signs with ASCC.

The contract is prepared by ASCC Human Resource Office and approved by the President. ASCC may ask ASG to assist in recruitment.

4120b Temporary contract specialists

1. In addition to permanent contract specialists, ASCC will hire contract specialists to fill temporary positions or to work on temporary special projects. These temporary contract specialists are not entitled to career service status as defined by Chapter 7.13 ASCA. All payments to these employees are made through ASCC's regular payment process for payroll accounts payable, as stated in their terms of contract. The temporary contract specialists are subject to the same standards of conduct as any other ASCC employee.
2. A temporary service contract is prepared by ASCC. The contract is approved by the President and all employee records are maintained by ASCC Human Resources Office. The contracts may be terminated upon 14 days written notice by either party. Local contracts are employed for a twelve (12) month period.

4120c Assignment – Recruitment – Selection

The following are rules concerning contract specialists which are not contained in the standard contracts, or which required amplification:

1. Assignment of Duties.
 - (A) While the contract specialist is designated to serve in the position for which he or she signs, the needs of ASCC will determine other assignments and specific designations.
2. Recruitment Policy.
 - (A) Positions must be advertised locally prior to off-island, except that where the shortage of qualified eligible is known in advance, recruitment may be performed simultaneously.
 - (B) ASCC Human Resource Office coordinates off-island recruitment efforts.
3. Selection Policy.
 - (A) Selection for contract positions must be solely based upon fitness and merit, without regard to race, color, sex, age, religion, national origin, or politics.
4. Medical Examination.
 - (A) All selectees and their accompanying dependents shall be required to provide evidence of good health as shown by reemployment physical examinations, the reports of which shall be evaluated by the Director, Department of Health.
5. Verification of Qualifications.
 - (A) Acceptances by the President of verifications of the candidate's claimed qualifications and a reference, and any reports of interviews of candidate spouses, is required.

4120d Contract Specialist Recruitment and Selection

1. Recruitment. Positions must be advertised locally prior to off-island advertisement, except when a shortage of qualified eligible candidate is known in advance, recruitment may be performed simultaneously.
2. Selection. Competition and selection for contract position shall be based solely on merit, fitness and entirely without regard to race, color, sex, age, religion, national origin or politics. No preference is permitted except those related qualifications and veteran's preferences. Qualifications will be measured against the requirements for the position. No more than five names shall be certified at any one time. Requests for additional names may be made to replace names of eligible candidates who:
 - (A) Are no longer interested in employment and

- (B) May not be satisfied for valid and pertinent reasons directly connected with the position as determined by the President or as a result of the written report submitted by the selecting authority.

4120e Assignment of Contract Specialist

While the contract specialist is designated to serve in the position for which he or she accepts, the needs of the College will determine additional assignments and specific designations.

Type of Contract Specialists

1. Two Years (Off-island Hire): Off island two years contract is recruited from outside of American Samoa for classified and unclassified positions of the College. This type of contract receives annual leave and sick leave at the accrual rate of 8 hours and 4 hours of sick leave per fortnight or bi-weekly basis, eligible for holidays, travel and transportation of household goods from and to the place of origin upon completion of the contract. If the contract specialist leaves in less than one year of the contract for personal reasons, the contract specialist may be liable as stated in the contract for payback of travel and transportation as determined by the College. Renewal of Contract benefits includes
 - Leave Benefits and Biennial Leave Payout
 - Entitled to 6% of base salary bonus
 - Pay Differential (cost of living allowance)
2. Review of Classified Salary based on performance and level of work
 - a. Two Year Local Hire: Local Hire Contract specialist is recruited from local contractors for Hard to Fill classified positions and are not qualified for Career Service. Contract Specialist receives the benefits of annual leave and sick leave at the accrual rate of 8 hours and 4 hours of sick leave per fortnight or bi-weekly basis, and is not entitled to any housing or transportation provisions. Renewal of contract benefits include the following benefits:
 - Leave Benefits and Biennial Leave Payout
 - Entitled to 6% of base salary bonus biennially. An additional 2% will be added to the 6% bonus for each term renewed after the 2nd term (4 years).
 - Other benefits as defined in the terms and conditions of the employment Contract such as biennial bonuses (contract renewal), housing costs, medical, and transportation.

4120f Compensation-Absence with pay-Review and reclassification

1. Compensation for positions filled by contract shall be in accordance with established ASCC salary rate based on the salary rates of the career service. Base salaries shall be taken from the appropriate ASCC salary schedule and the rules concerning same.
2. Contract specialist is not entitled to overtime compensation.
3. Contract specialist may be granted absence from duty with pay on those holidays recognized by ASCC.
4. If substantial changes are contemplated in the duties and responsibilities assigned to a contract specialist during the life of his or her agreement, ASCC may review and reclassify the contract position.
 - (A) If the change is to a vacant position which is not under the supervision of ASCC then ASCC will be made a party to the agreement and he or she will also sign the amendment form and personnel/payroll action request which authorizes the position change.
 - (B) If a change of position involves a change of grade and salary, then a lump-sum accumulated-leave payment will be made to the employee at the salary rate in effect at the conclusion of his or her un-amended term of service. The employee will begin to accumulate annual leave at the adjusted salary rate, commencing with the effective date of the contract amendment.
5. During the tenure of the contract, the contract specialist may be considered for salary increase or adjustment in accordance with substantial level of work and with a satisfactory performance on an annual basis as detailed in the section of these regulations which addresses classification and pay.

4120g Transportation

1. Entitlement at Hiring and Separation ASCC will furnish transportation for the contract specialist and his or her dependents, his or her household goods and professional materials from his or her permanent residence to American Samoa. If the contract specialist has fully performed the terms and conditions for his or her agreement in a manner satisfactory to performed the terms and conditions for his or her agreement in a manner satisfactory to ASCC, ASCC will furnish transportation for the contract specialist, his or her dependents, his or her household goods and professional materials to his or her point of hire.

- (A) The contract specialist and his or her dependents are authorized economy, jet air travel accommodations between the point of hire and American Samoa. Unless specifically authorized on the travel authorization, additional cost for superior accommodations or excess baggage shall be borne by the contract specialist.
 - (B) When a vacant contract specialist position is filled by a qualified nonresident candidate who is temporarily residing in American Samoa, no provision will be made by ASCC for his or her travel or shipment of household goods to the territory.
 - (C) Non-ASCC furnished transportation expense (private yacht, aircraft) incurred by a contract specialist and his or her dependents by travel to American Samoa to report to duty may be reimbursed to him or her in amounts not to exceed that authorized for one-way, economy jet air fare as stipulated by ASCC travel rules. The request for reimbursement must be supported by receipts or other evidence of payment.
 - (D) The transportation expenses mentioned in his or her employment agreement shall constitute the measure of damages for a breach of his or her agreement by the contract specialist.
2. Remaining After Contract
- (A) If the contract specialist, with immigration approval, elects to remain in American Samoa upon completion of his or her contract, ASCC's obligation for return transportation and household shipment shall be forfeited.
3. Property Allowed and Prohibited
- The weight allowance for the shipment of household effects is limited to that personal property essential to the comfort and convenience of the contract specialist and his or her dependents which may be transported legally in interstate commerce. It includes household furnishings, equipment and appliances, furniture, clothing, books, and similar property. Household effects do not include property which is for resale or disposal rather than for use by the contract specialist or members of his or her immediate family, nor does it include such items as motor vehicles, airplanes, trailers, boats, pets, livestock, cordwood, building materials, property intended for use in conducting a business or other commercial enterprise.
- (A) The firearms laws in the United States differ from territorial legal restrictions. Weapons and ammunition of any kind are prohibited, including air guns, without prior licensing and registration.
 - (B) The only domestic pets which may be brought into the territory are dogs and cats from the mainland U.S., Hawaii, Guam, Trust Territory of the Pacific Islands, Australia, and New Zealand. Animals from the mainland, Guam and T.T.P.I. must be quarantined for 120 days in Hawaii. The extensive rules pertaining to this matter are available from the department of agriculture; some are codified at Chapter 24.03 ASCA.
 - (C) The importation, production, and use of hallucinogens and potentially harmful drugs are strictly prohibited and punishable by law.
4. Weight Allowance
- Shipment of authorized weight allowances for overland and ocean shipments for contract employees will be handled in a reimbursement system. Contract employees terminating service with ASCC and entitled to authorized shipping allowances may submit to the CFO all paid shipping invoices for remittance in accordance with the following shipping allowance schedule:

Estimated Weight			
Family Size	Used for calculations (Pounds)	East of Mississippi	West of Mississippi
1	1,125	\$ 1,200	\$ 1,000
2	1,810	\$ 2,000	\$ 1,600
3	2,030	\$ 2,100	\$ 1,700
4	2,250	\$ 2,300	\$ 1,900
5	2,360	\$ 2,400	\$ 2,100

Special arrangements will be separately negotiated for contract employees not residing in the U.S. Any portion of a cash payment from this schedule that is not applied to the cost of household/professional effects shipment inures to the benefit of the employee. Employees will be issued cash reimbursements from the schedule upon arrival in the territory. Any exception for newly hired employees resulting in the issuance of a letter of credit to the selected shipping agency may be made only by the President.

- (A) Standard insurance coverage that is provided by the packer and shipper is based upon net weight only. If the contract specialist wishes to insure on the basis of value, he or she must acquire additional insurance at his or her own expenses.
 - (B) Customs rule applicable to the shipment of household effects must be observed for all travel. The contract specialist is responsible for compliance with the appropriate rules. Except for extenuating circumstances, he or she is liable for additional changes imposed by customs or port authorities.
5. Renewal Benefits
- If the contract specialist's employment agreement is renewed:

- (A) A contract renewal bonus of 6% of base salary will be paid for two year's renewal on the first pay period following the effective date of the new contract. An additional 2% will be added onto the contract renewal bonus rate, resulting in an 8% of base salary contract renewal bonus, on the second renewal of contract. Any or all other contract renewal thereafter will be capped at 8% renewal bonus of base salary.
 - (B) Round-trip, economy jet air transportation is authorized for himself or herself and any dependents.
 - i. A contract specialist who renews his or her contract may be authorized round-trip transportation to a point other than his original point of hire; however, ASCC will only pay up to as much as the cost of economy jet transportation directly to his or her original point of hire. The contract specialist is required to pay for any extra charges in excess of his or her allowance.
 - ii. If the contract specialist's selected travel routing is at less cost than that to the original point of hire, the contract specialist is not entitled to the difference.
 - iii. All travel purchased by the contract specialist with the travel authorization must be used on the same trip. For example, if a renewing contract specialist is authorized round-trip fare to San Francisco and decides to go only as far as Hawaii and return, he or she has exhausted all travel authorized by his or her travel authorization form. He or she may not, at some future date, use the difference to obtain reimbursement or for future travel.
6. Completion-of-contract Entitlement.
- If the contract specialist satisfactorily fulfills the conditions of his or her employment agreement, he or she and any dependents are entitled to:
- (A) One-way, economy jet air transportation to his or her permanent residence.
 - (B) Unaccompanied air freight allowances provided by the original travel authorizations;
 - (C) Ocean freight, shipment allowance for household effects as provided by the original travel authorization;
 - (D) Additional ocean freight shipment allowance for professional materials as provided by original travel authorizations.

4120h Annual Leave - Sick Leave

1. A contract specialist whose employment agreement is on a 12-month basis shall accrue annual leave at the rate of one working day for each full biweekly pay for each full biweekly pay period during the tenure of his or her agreement, regardless of the amount of time worked during each pay period, except for periods of leave without pay.
 - (A) Provided that he or she is fulfilling all of the terms and conditions of his or her agreement in a manner satisfactory to ASCC and, if ASCC determines that his or her services can be spared, he or she may be granted leave upon his or her request at any time.
 - (B) He or she may be administratively required by ASCC to take leave at any time.
 - (C) At the expiration of his or her agreement, the contract specialist will be paid in a lump sum for a maximum of 60 days of unused, accumulated annual leave, computed at the salary then in effect.
 - (D) Only if it is for the convenience of ASCC, the contract specialist may elect to apply accumulated annual leave in total or in part in lieu of lump sum payment to an equivalent number of days' absence immediately preceding and extending to the expiration date of his or her agreement. He or she will not, however, be entitled to accrue annual leave.
2. The contract specialist shall accrue sick leave with pay at the rate of one-half day per full biweekly pay period and may be allowed such additional sick leave without pay as ASCC at its discretion may deem necessary.

4120i Medical benefits

1. The contract specialist and his or her dependents will be entitled to medical and dental services in American Samoa to be furnished by ASG. Such services may be subject to a nominal service charge to be paid by the contract specialist. Medical services shall be within the limits of ASG's personnel, supplies, and facilities available from time to time in American Samoa. The contract specialist and his or her dependents will also be entitled to off-island medical care to the same extent furnished from time to time to American Samoa by ASG: provided that the contract specialist will be required to use and apply entitlement to hospital, medical and dental care benefits which he or she may have as a veteran of the armed forces or as a participant under any other program or insurance plan; and provided further that return travel of the discharged patient, or an authorized accompanying family member, will not be provided should it be determined, in the judgment of ASG's Director, Department of Health, that due to the health of the contract specialist or the dependent, the contract specialist should not remain in American Samoa, which event the entitlements upon normal expirations of the term of service will be provided.

4120j Termination of Cause

ASCC may discharge the contract specialist and terminate his or her employment agreement for cause, including dereliction or unsatisfactory performance of duty or misrepresentation or conviction of any criminal offense. Pending a hearing and final determination, the contract specialist may be suspended without pay or other benefits.

1. Removal shall be recommended to the Board of Higher Education by the President in writing, supported by a written account of the circumstances and events underlying the recommendation.
2. Upon receipt of written justification recommending the removal of an employee, the President shall give careful consideration to such recommendations and all background information of record. In this connection, the President is expected to consult with the ASCC employee concerned.
3. If the President considers the recommendation to be reasonable, the President shall advise the employee in writing of:
 - (A) The charges brought against him or her;
 - (B) The fact and effective date of his or her suspension without pay.

4120k Resignation – Termination without Cause

1. If the health of the contract specialist or that of any dependents, through no fault of her or her own, becomes so impaired that, in the judgment of ASG's Director of Health, he or she should not remain in American Samoa, he or she may resign and receive full benefits according to a contract specialist, whose employment agreement has been satisfactorily fulfilled. ASCC will not be liable for the return travel of the contract specialist, any dependents, household goods, and personal effects if the physical disability is a direct result of excessive and non-prescribed use of alcohol or normal drugs.
2. If an unforeseen personal emergency should arise which requires the immediate presence of the contract specialist outside of American Samoa and such emergency is verified to the satisfaction of ASCC by the American Red Cross or other appropriate agency, the contract specialist may resign and be entitled to the full benefits to which he or she would have been entitled upon normal expiration of the term of service under his or her employment agreement.
3. Should the contract specialist breach his or her agreement by resignation from his or her employment with prior to the end of the contracted tenure (or during the first half of his or her term of service), he or she shall forfeit all rights to transportation for himself or herself, any dependents, and their personal effects and household goods and shall be obligated to repay to ASCC such expenses as ASCC may have incurred or paid to him or her on this account in connection with his or her term of service. Should the contract specialist's resignation from his or her obligations to his or her agreement occur after one year's contracted tenure (or during the second half of his or her term of service), he or she shall forfeit all rights to transportation for himself or herself, any dependents, and their personal effects and household goods but shall not be obligated to repay to ASCC such expenses as ASCC may have incurred or paid to him or her on this account in connection with his or her term of service.
4. Upon 30 days' notice to the employee, ASCC may terminate his or her employment agreement at the discretion of ASCC without recourse on the part of the employee. In the case of termination of employment as provided in this subsection, the employees shall be entitled to transportation, subsistence, and other benefits to which he or she would be entitled upon normal expiration of the term service of service under his or her agreement.

4120l Renewal of Contract

1. Contract renewal is the prerogative of ASCC and is based solely upon need and performance of a contract specialist as determined by ASCC and is contingent upon approval of the contract specialist's continued employment by the Board of Higher Education.
2. A contract specialist must address his or her request for contract renewal in writing to the President not less than 90 calendar days prior to the expiration date of his or her present agreement.
3. Renewal of contract for a one-year period will be limited to one renewal unless prior approval is obtained in writing from the President.

4120m Employment after Term of Contract

If employment of the contract specialist continues beyond the term of service specified in his or her agreement without the execution of a new agreement, such employment shall be deemed to be a will and may be terminated by either party on reasonable notice to the other. All of the terms and conditions of his or her agreement, except those pertaining to termination for cause, shall continue in effect during such extended period of employment.

4120n Conduct-Reassignment-Career service eligibility-Self-employment

1. Contract specialists are expected to conduct themselves both on and off the job as employees of ASCC. Rules regarding outside work, conflict to interest, and political activities published elsewhere in these regulations apply equally to contract employees.
2. A contract specialist is precluded by and for the duration of his or her contracted term of service from competing for other vacant positions with ASCC or ASG. He or she may, however, request reassignment to a vacant position and his or her request may be granted at the discretion of the President and the selecting authority when to do so is in the interest of ASCC.
3. At the expiration of a contract, every effort shall be made to fill the contract position in the career service. If a position which has been filled by contract can be filled within the career service, the incumbent of that position can compete for the position on a career service basis if he or she is entitled to permanent residency in American Samoa or if his or her spouse is entitled to permanent residency.

4. Contract specialists shall not engage in self-employment in American Samoa either directly or indirectly, in any form whatsoever, during the terms of their agreements. See Appendix 17.06 ASCA.

4120o Grievances – Striking prohibited

1. Contract specialist grievances shall be processed the same as those made by other employees. In case of an alleged violation of the contract specialist's agreement, his or her continued employment shall not be deemed a waiver by either party of his or her claim. ASCC consents to be sued on account of any matter of dispute arising over his or her agreement but only in the High Court of American Samoa.
2. The contract specialist agrees by contract not to participate in any strike against ASCC during his or her term of service.

4120.1a Training

Nominations for training of contract specialists shall be submitted to the President or the Board of Higher Education, who shall retain discretion for approval or disapproval. No contract specialist shall be recommended for training to gain skills or knowledge which he or she might reasonably be expected to possess in order to have been selected for his or her position.

4120.1b Work-product ownership – Discoveries and documents

Any and all inventions, improvements, discoveries, documents, reports, memoranda, and data developed by the contract specialist relating to his or her position with ASCC will be the sole and absolute property of ASCC will be the sole and absolute owner of all patents, copyrights, or other rights connection therewith.

4120.1c Dependents defined – Family status reports

Dependents, as defined, shall be interpreted to mean the spouse and minor dependent children of the contract specialist, who are identified as such at the time his or her agreement is executed and who will reside with him or her in American Samoa for at least one year of the term of his or her agreement. It is the responsibility of the contract specialist to make known to the President changes in his or her family status as they occur.

4120.1d Immigration status – Departure upon termination

1. A contract by virtue of his or her employment with ASCC, obtains residency status within the territory for the duration of his or her agreement or term of service. In the event of the termination of his or her agreement for any reason whatsoever, the contract specialist contractually agrees to depart from the territory within 30 days from the termination date.
2. Contract specialists who are not United States citizens must register annually as alien residents with the immigration division of the department of legal affairs of the ASG.

4120.1e Types of Employment Contract Agreement

ASCC offers the following types of contracts:

1. Two Year Off-island Hire Contract. This type of contract specialist receives annual leave and sick leave, holidays, travel and transportation of household goods from and to the place of origin upon completion of the contract (see 4.3004 – 4.3007). If the contract specialist leaves in less than one year of the contract for personal reasons, the contract specialist may be liable as stated in the contract for payback of travel and transportation as determined by the College.
2. Two Year Local Hire Contract. This type of contract specialist receives the benefits of annual leave and sick leave, overtime or compensatory time, including holidays (see 4.3004, 4.3005(E)(1) and 4.3006).
3. One Year Hire Contract. This type of contract specialist shall receive the benefits of annual and sick leave with pay at the rate of one-half day per full biweekly, overtime and compensatory time, including holidays.
4. Short Term Contract (6 months or less). This type of contract is termed as consultants and do not receive any benefits of annual and sick leave, overtime or compensatory time, but receiving only authorized holidays.
5. Personal Service Contract. This type of contract is job specific or project based and will be compensated when the job is completed.
6. Class Contract. This type of contract is for adjunct faculty to teach a course and compensated when course is completed.

4120.1f Employment Clearance

The selected applicant from off-island and their accompanying dependents shall be required to provide sufficient evidence of good health, and security background check. If applicable, immigration document (Visa or Permit) to enter and be employed in American Samoa is required by Human Resources Division before employment. The final selection of contract specialist candidate will be contingent upon approval of the physical examination and immigration permit if required.

4120.1g Verification of Qualifications

Verifications of the candidate's claimed qualification and references, and any reports of the interviews, spouse, dependents, must faxed or mailed to the Human Resources Division. Human Resources will submit all necessary documentation to the President for final review and determination.

4120.1h Conduct of Contract Specialist

The contract specialist is expected to conduct his/herself both on and off the job as employees of ASCC. Rules regarding outside work, conflict of interest, and political activities as noted in Employee Conduct is applicable.

4120.1i Terms of Service

1. The term of employment – for a contract specialist from off-island shall begin on the date of departure from the point of debarkation, and terminate on the date as specified in the signed employment contract agreement. Travels during these dates are inclusive.
2. Length of term – The contract will spell out the length of the contract, which can be up to two (2) but not less than one (1) year.
3. Termination of contract and employment – ASCC may terminate employment:
4. For Cause – ASCC may discharge the contract specialist and terminate employment agreement for cause, including dereliction of unsatisfactory performance of duty or misrepresentation or conviction of any criminal offense. Pending a hearing and final determination, the contract specialist may be suspended.
5. Without Cause – Resignation. Contract specialist may resign from the contract depending on their health, unforeseen emergency, military obligations, and other personal reasons.
6. Employment after term of contract. If employment of the contract specialist continues beyond the term of service specified in the agreement without the execution of a new agreement, such employment shall be deemed to be at-will and may be terminated by either party on reasonable notice to the other. All of the terms and conditions of the agreement, except those pertaining to termination for cause, shall continue in effect during such extended period of employment.
 - (A) The contract is prepared by Human Resources Division and approved by the President.

4120.1j Dependent and Family Status

It is the responsibility of the contract specialist to make sure documentation (birth certificate, marriage license, adoption records) is available for ASCC to review and verify legal dependents, and shall make known to the President via the Human Resources Office changes in his or her family status as they occur.

4120.1k Contract Specialist Reclassification

If substantial changes are contemplated in the duties and responsibilities assigned to a contract specialist during the agreement period, the college may review and reclassify the contract position.

4120.1l Renewal of Contract

1. Contract renewal is the prerogative of ASCC and is based solely upon need and performance of a contract specialist as determined by the President and contingent upon approval of the contract specialist has continued employment by the President.
2. A contract specialist must address his or her request for contract renewal in writing to the President whether to renew or not at least 90 calendar days prior to the expiration date of his or her present agreement.
3. Renewal of contract for a one-year period will be limited to one renewal unless prior approval obtained in writing from the President.

4120.1m Reassignment

A contract specialist is precluded by and for the duration of the contracted term of service from competing for other vacant positions within ASCC or American Samoa Government (ASG). However, the contract specialist may request reassignment to a vacant position and may be granted at the discretion of the President and the selecting authority when to do so in the interest of ASCC.

4120.1n Career Service Eligibility

Upon expiration of a contract, every effort shall be made to fill the contract position as career service. If a position, which has been filled by contract, can be filled within the career service, the incumbent of that position can compete for the position on a career service basis if the employee is entitled to permanent residency in American Samoa or if their spouse is entitled to permanent residency.

4120.1o Training

Nominations for training of contract specialist shall be submitted to the President, who shall retain discretion for approval or disapproval. No contract specialist shall be recommended for training to gain skills or knowledge, which he or she might reasonably be expected to possess in order to have been, selected for his or her position.

4120.1p Grievances-Striking Prohibited

1. Grievances – A contract specialist grievances shall be processed the same as those made by other employees. In case of an alleged violation of the contract specialist’s agreement, continuation of employment shall not be deemed a waiver by either party of his or her claim.
2. Strike – A contract specialist agrees by contract not to participate in any strike against ASCC during his or her term of service.

4120.1q Work-Product Ownership-Discoveries and Documents

Any and all inventions, improvements, discoveries, documents, reports, memoranda, and data developed by the contract specialist relating to the position with ASCC will be the sole and absolute property of ASCC, and ASCC will be the sole and absolute owner of all patents, copyrights, or other rights connected herewith.

4120.1r Immigration Status

1. A contract specialist, sponsored by ASCC who obtains residency status within the territory for the duration of the agreement or term of service, upon termination of the agreement for any reason. By virtue of the termination, the contract specialist agrees to depart from the territory within 30 days from the termination date, unless the contract specialist receives employment from another agency that will sponsor him or her while in American Samoa.
2. Contract specialist who is not U.S. citizens or nationals must register annually as alien residents with the Immigration Office of ASG.

4120.1s Contract Specialist Transportation

ASCC will furnish transportation for the contract specialist and dependents including the shipment of household goods and professional material from point of departure to American Samoa. If the contract specialist has fully performed the terms and conditions of the agreement in a satisfactory manner to ASCC, the college will provide return transportation and the shipment of household goods and professional materials from American Samoa to the original place of departure.

4120.1t Travel and Shipment Entitlements

1. The contract specialist and dependents are authorized economy air travel accommodations between place of departure and American Samoa, and vice versa only, when the contract has been fully served and satisfactory to ASCC. Unless specifically authorized on the travel authorization, additional cost for upgraded accommodations shall be borne by the contract specialist.
2. When a position is filed by a qualified nonresident candidate who is temporarily residing in American Samoa, no provision will be made by ASCC for travel or shipment of household goods.
3. Transportation expenses not furnished by ASCC (such as private yachts or planes) incurred by a contract specialist and his/her dependents by traveling to American Samoa may be reimbursed in amount not to exceed that authorized for a one-way economy air fare as noted in Policy #3016, Travel. The request for reimbursement must be supported by receipts or other evidence of payment.
4. If a nonresident contract specialist with approval from immigration elects to remain in American Samoa upon completion of the contract, ASCC’s obligations for return transportation and household good shipment shall be forfeited.
5. When a contract specialist waiver or elects to remain in American Samoa as a career service, all travel benefits are forfeited.

4120.1u Property Allowed and Prohibited

Property allowed for the shipment of household goods is limited to personal property essential to the comfort of the contract specialist and dependents, which may be transported, legally in international commerce.

1. Allowable shipment: This includes a household furnishing, equipment and appliances, furniture, clothing, books, and similar property.
2. Not allowable shipment: This includes a privately own vehicle, airplanes, trailers, boats, pets, livestock, cordwood, building materials, property intended for conducting a business or other commercial enterprise. The importation and production, and use of hallucinogens and potentially harmful drugs are strictly prohibited and punishable by law.
3. Exception to shipment includes: Firearms and Pets:

- (A) The firearms laws in the U.S. differ from territorial legal restrictions. Weapons and ammunition of any kind are prohibited, including air guns, without prior licensing and registration. Inquiries of firearms shipment must be referred to the Department of Public Safety.
- (B) The only pets authorized to be brought in to American Samoa are dogs and cats from Hawaii, U.S., Guam, and trust territories of the Pacific Islands (TTPI), Australia and New Zealand. Pets destined from the U.S. Hawaii, TTPI, must be quarantined for 120 days in Hawaii. The extensive rules pertaining to this matter are available from the Department of Agriculture; some are codified in ASCA Title IV, Chapter 3; Section 24.0317.

4120.1v Weight Allowance

Ship of authorized weight allowances for overland and ocean shipments will be handled in a reimbursement system. Contract specialist must arrange with a shipping agent, and submit the shipping laden with necessary documents to the Financial Officer for remittance. Special arrangements will be separately negotiated for contract employees not residing in the U.S. Any portion of a cash payment from this schedule that is not applied to the cost of household or professional effects shipment insures to the benefit of the employee. Employees will be issued cash reimbursements from the current schedule upon arrival in American Samoa. Any exception for newly hired employees resulting in the issuance of a letter of credit to the selected shipping agency may be authorized only by the President.

- 1. Standard insurance coverage that is provided by the packer and shipper is based upon net weight only. If the contract specialist wishes to insure based on value, he or she must acquire additional insurance at his or her own expenses.
- 2. Customs' rules applicable to the shipment of household goods must be observed for all travel. The contract specialist is responsible for compliance with the appropriate rules. Except for extenuating circumstances, he or she is liable for additional charges imposed by customs or port authorities.

4120.1w Renewal Transportation Benefits for Two Year Off-Island Hire

If the contract specialist's employment agreement is renewed for another two years:

- 1. A renewal bonus of six (6%) of base salary will be paid on the first pay period following the effective date of the new contract.
- 2. Round-trip, economy air transportation may be authorized for the contract specialist and dependents.
 - (A) A contract specialist who renews his or her contract may be authorized round-trip transportation to a point other than the original point of hire; however, ASCC will only pay up to as much as the cost of airfare directly to his or her original place of hire. Any additional expenses will be borne by the contract specialist.
 - (B) If the airfare is less than the cost to the original place of hire, the contract specialist is not entitled to the difference.
 - (C) All travel purchased by the contract specialist with the travel authorization must be used on the same trip (i.e., If the travel authorization was a round-trip to San Francisco, and he or she made the trip to Hawaii and return, the unused portion of the travel will not be used in any future travel.)

4120.1x Completion of Contract

All transportation entitlements authorized on the original travel authorization during hire is applicable and authorized when the contract ends for off-island hire.

4120.1y Contract Specialist Benefits

ASCC provides benefits to contract specialist, which is important for the employee's physical and mental health. Full-time one to two-years contract specialist can earn annual and sick leave, including local medical and dental benefits and including dependents.

4120.1z Contract Specialist Compensation

- 1. Compensation for positions filled by a contract specialist from abroad shall be based on salary rates of the career service plus overseas post differential. Compensations for contract specialists hired for temporary projects shall be based on the salary rates of the career service position.
 - (A) The Contract specialist is not entitled to overtime compensation.
 - (B) A Contract specialist may be granted absence from duty with pay on those holidays recognized by ASCC. This does not include temporary contract specialist (less than one-year contract).

4120.1a1 Contract Specialist Annual Leave Accrual and Pay Out

A contract specialist whose employment agreement is on a 12-month basis shall accrue annual leave at the rate of one (1) working day for each full bi-weekly pay period during the tenure of the agreement, regardless of the amount of time worked during each pay period, except for periods of leave without pay.

- (A) Provided that he or she is fulfilling all the terms and conditions of the employment agreement in a manner satisfactory to ASCC and, if ASCC determines that his or her services can be assured, he or she may be granted leave upon his or her request at any time.
- (B) He or she may be administratively required by ASCC to take leave at any time.
- (C) At the expiration of the agreement, the contract specialist will be paid in a lump sum for a maximum of 60 days of unused, accumulated annual leave, computed at the salary then in effect.
- (D) Only if it is for the convenience of ASCC, the contract specialist may elect to apply accumulated annual leave in total or in part in lieu of lump sum payment to an equivalent number of days' absence immediately preceding and extending to the expiration date of his or her agreement. He or she will not; however, be entitled to accrue annual leave while on terminal leave.

4120.1a2 Sick Leave Accrual and Pay Out

The contract specialist shall accrue sick leave with pay at the rate of one-half day per full biweekly pay period and may be allowed such additional sick leave without pay at ASCC discretion and may deem necessary. Accrued sick leave balance is determined as per pay out formula upon completion or termination of contract.

4120.1a3 Medical and Dental

The contract specialist and dependents will be entitled to medical and dental services in American Samoa based on residential rates. Such services may be subject to a nominal service charge to be paid by the contract specialist. Medical services shall be within the limits of ASG's personnel, supplies, and facilities available from time to time in American Samoa. They can also be entitled to off-island medical and dental care to the same extent furnished by from time to time to American Samoans by ASG provided:

1. The contract specialist will be required to use and apply entitlement to the hospital, medical and dental care benefits which they may have as a veteran of the armed forces or as a participant under any other program or insurance plan;
2. Return travel of the discharged patient, or an authorized accompanying family member, will not be provided should it be determined, in the judgment of ASG's Director, Department of Health, that due to health of the contract specialist or the dependent, the contract specialist should not remain in American Samoa, in which event the entitlements upon normal expiration of term of services will be given.

E. Employment Conditions

4203a Responsibility and Department-Off-the-job Conduct

It is the policy of the ASCC to urge its career service employees and contract specialists to cultivate those personal qualities which characterize a good employees' loyalty to ASCC; a sense of responsibility for the public trust, and a standard of personal deportment which is a credit to the individual themselves and to the service. Off the job conduct is a concern to ASCC if it reflects adversely upon the dignity, integrity, and prestige of the agency.

4203b Misconduct

Any criminal, dishonest, immoral or any other conduct on the part of an employee which would adversely affect ASCC will be cause for his removal from employment. Gambling or the use of alcoholic beverages by employees in public buildings, construction sites or offices administered by the College will not be tolerated. Disciplinary action will be taken for the breach of this section.

4203c Subordination to Authority

An employee is required to carry out the announced policies and programs of ASCC. While policies related to his or her work are under consideration, he or she may, and is expected to, express his or her opinions and points of view, but once a decision has been rendered by those in authority, he or she will be expected unreservedly to assure the success of programs which it is his or her responsibility to effectuate. If he or she fails to carry out any lawful rule, order, or policy or deliberately refuses to obey the proper requests of his or her supervisors who have responsibility for his or her performance, he or she is subject to appropriate disciplinary action.

4203d Selling or Soliciting

Employees and other persons are prohibited from selling or soliciting for personal gain with a college building occupied or used by ASCC without proper permission. This prohibition does not apply to:

1. Authorized and installed business activities, e.g., employee cafeterias, etc.
2. Solicitation for other approved purposes and;
3. Token solicitations for floral remembrances, retirement gifts and for similar purposes.

4203e Outside Business Activity and Conflict of Interest

An employee shall not engage in any business activity, either in the capacity of employee or otherwise, which prevents an employee from devoting his or her primary interests, talents, and energies to the accomplishment of work for ASCC or tends to create a conflict between the private interest of an employee and his or her official responsibilities. The employee must notify his or her department head of any outside work or activity. If the College through the supervisors finds there is a conflict of interest the employee must choose between the jobs and relevant policies and regulations shall be followed to ensure the adherence and compliance.

4203f Community and Professional Activities

Employees are encouraged to participate in activities of professional societies and of civic organizations whose purpose and objectives are not inconsistent with those of ASCC.

4203g ASCC Property

1. Employees shall be held accountable for ASCC property entrusted to them for their official duties. It is their responsibility to protect and conserve ASCC property, including motor vehicles and other self-propelled equipment and to use it economically and for official purposes only.

4203h Gifts

An employee shall not accept from or bestow upon any person or organization with which he or she deals officially anything of economic value, such as a gift, loan or gratuitous service. No employee shall solicit or make solicit or make a contribution for a gift for an official superior to accept such a gift, except as specifically authorized by law or as cited in this chapter of these regulations. Except as specifically authorized by law, employees are not authorized to accept from private sources on behalf of ASCC voluntary donations or cash contributions for travel expenses or the furnishing of services in kind, such as hotel accommodations, meals and travel accommodations. This exception does not apply to approved scholarship grants etc., which ASCC has approved and supervises.

4203i Information

It is the policy of the College to accord the public free access to information about its activities. Guidelines for release of information may be obtained from the Attorney General's Office. Employees should confine statements made in their official capacity to factual matters and statements on policies and programs should be limited to those policies and programs already on record. If an employee is requested to give information outside the scope of authority, he should refer the request through the immediate supervisor to his agency head.

4203j Unintentional and Indirect Subordination

An employee may not knowingly advocate the overthrow of our constitutional form of Government in the United States through membership in any organization which asserts the right to strike against the United States Government or the American Samoa Community College.

4203k Political Affiliation

No person in the College with authority to take or recommend a personnel action relative for, a position in the College service, may make inquiry concerning his political affiliation. All disclosures concerning political affiliation shall be ignored, except membership in political parties or organizations constituted by law as a disqualification for college employment. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the College against or in favor of an employee in or an eligible applicant for a position in the career service because of his political affiliation.

4203l Political Activity

Employee shall not engage in unlawful political activities as defined in 7.0807 ASCA (see Appendix 1). Where doubt exists as to the legality of certain activities, the employee shall request a ruling in writing from the President.

1. Leave without pay, annual leave and sick leave shall be granted in accordance with regulations issued by the Governor; provided, however, that any regulation to the contrary notwithstanding, leave without pay shall be freely granted to any government for the purpose of campaigning as a candidate for public office in American Samoa for a period beginning 30 days before and ending 10 days after the date set for the election. (ASCA 7.1201)
2. Leave without pay may not be granted for periods of more than 1 year unless otherwise provided in the regulations, and then only for reasons which are determined to be in the best interest of the ASCC.

4203m Financial responsibility

Employees of ASCC are expected to satisfy their financial commitments. Failure to meet one's obligations reflects adversely on one's standing as an ASCC employee.

4203n Contracts with Employees

Because contracts with its own employees are considered to be against public policy, such contracts are not permitted in the College, except where it is clearly shown that the interest of American Samoa, United States and the American Samoa Community College are the major consideration to be served thereby.

4203o Financial Interest

Employees may not have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as employees, nor engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employment. Aside from these restrictions, employees are free to engage in lawful financial transactions to the same extent as private citizen.

4205.2a Review of Records

The Human Resources Office will review each employee's master file annually and purge documents no longer required or outdated information and delivered to the employee. Supervisors will review employee-working file before each performance evaluation and destroy outdated and inappropriate information. In addition, managers and supervisors may keep the following information for the record and references:

1. One year's attendance record;
2. Professional Training records;
3. Most recent performance evaluations; and
4. Information related to an employee's job performance since the last performance review.

4205.2b Access to Employee Master File

Access to any employee file is restricted to the following:

1. Human Resources Division employees in the performance of daily duties;
2. An individual employee's direct supervisor or appropriate Vice Presidents, Department Dean/Director, Officer with a business need to know;
3. ASCC executives with a business need to know;
4. Employee who owns the personnel file;
5. Other agencies conducting an investigation (e.g., FBI or Law Enforcement) approved by the President.

4205.2c Notification of Changes

ASCC employees shall inform the college when changes of address, telephone number and or family status (births, marriage, death, divorce, legal separations, dependents, etc.). It must be reported immediately to the Human Resources Division, as an employee's income tax status and other ASCC employee benefits may be affected by these changes.

4205.3a Employee Background Check

ASCC Human Resources Office as a requirement of employment, will check the past employers, training, certification, degrees and employment references of job candidates. It will investigate the background of all employment candidates to ensure they are well qualified for the position in which they are applying.

4205.3b Credit Background Checks

All personnel involved in handling ASCC funds must have records that are free of embezzlement, financial dishonesty, or mishandling of funds. For this reason, ASCC reserves the right to conduct a credit background check at any time in a manner consistent with applicable laws and regulations and to notify the employee within three working days that a “consumer credit report” has been requested. It is the intent of ASCC to comply with the Fair Credit Reporting Act and applicable local law and regulations on current and prospective employees.

4205.4a File Retention

Official personnel records are filed and secured by the ASCC Human Resources. The College ensures that personnel records are archived and safeguarded. Personnel employment confirmation forms (303) are permanently kept. Other required documentations during employment tenure may be disposed of within a seven-year period upon completion of employment, and have satisfied legal or archival procedures requirements.

4206a Outside Employment

ASCC employees that engage in other employment(s) that may directly or indirectly compromise their primary responsibilities to the College must be disclosed to his/her division administrator and Human Resources Officer to ensure that the College’s interest and welfare is considered, and protected.

4207a Violence in the Workplace

ASCC does not tolerate or condone any violence on campus. ASCC ensures that it promotes a positive, conducive learning and working environment which is free of violence, acts of threats, and any violence against protected class and group of individuals.

4208a Equal College Employment Opportunity Policy

All personnel actions taken regarding career service and contract specialist employees shall be based solely on merit and fitness and entirely without regard to race, color, religion, national origin, sex, age and physical disability. However, where positions can be filled locally, preference will be given to permanent residents of American Samoa. Any regulation or order of conflict with this Section is hereby rescinded.

4208b Equal Employment Opportunity Affirmative Action Plan

ASCC’s policy, to provide and promote equal opportunity in employment to people without discrimination because of race, creed, color, sex, religion, national origin, age, handicaps, marital status, political affiliation, or other non-merit consideration, shall be implemented in accordance with the ASG Equal Employment Opportunity Affirmative Action Plan incorporated in full, by reference, herein.

4208.1a Policy generally – American Samoa preference

1. It is the policy of ASCC to provide and promote equal opportunity in employment to people without discrimination because of race, creed, color, sex, religion, national, origin, age, handicaps, marital status, political affiliation, or other non-merit consideration.
2. Pursuant to 7.0204 (b) ASCA, and as an integral part of the equal employment opportunity policy, ASCC shall employ residents of American Samoa who are American Samoans or United States nationals, and shall employ other persons only when no American Samoans or United States nationals who meet the minimum qualifications for a particular class of work can be found. This policy is initiated in recognition that:
 - (A) It is necessary to identify and deal with discrimination and obstacles to equal employment opportunity, intended or unintended;
 - (B) Well-conceived, planned, and realistic actions are necessary to provide for achieving true equality of opportunity;
 - (C) These actions must be aggressively pursued;
 - (D) An effective periodic self-evaluation is needed to ascertain whether predetermined goals are being met; and
 - (E) This evaluation will result in updating the action plan as necessary, to meet changing needs and to effectively resolve problems.

4208.1b Employment Preference and A.S.C.A § 7.0101 et. seq.

With the exception of the President all employment matters concerning employees of the college are to be continuously governed by policies, regulations and administrative rules adopted by the American Samoa Community College and no longer under A.S.C.A §7.0101 et. seq.:

4208.1c Employment Preference Immigration Laws

The ASCC shall adhere to all applicable local immigration qualification laws pertaining to the employment of non-residents.

4208.2a Affirmative action conformance to federal Provisions

An affirmative action plan has been prepared for use by ASG in its efforts to provide equity in employment to women, minors, and other victims of discrimination. ASCC will follow ASG's affirmative action plan. This EEO-AA plan is intended to conform to federal requirements of Title VI of the Civil Rights Act of 1968, Executive Orders 11063, 11246, and 11375, - 109 of the HUD Act of 174 and - 3 of the HUD Act of 1968.

4208.3a Enforcement responsibility – Staff, subcontract, or contracting agency Compliance

1. The responsibility and authority for the enforcement of this policy pertaining to The ASCC Affirmative Action Plan and its goals are vested in the President, who will be responsible for the implementation, administration, and compliance of the EEO policies and AA plan.
2. All ASCC staff, subcontractors, and contracting agencies are required to comply with this policy with preference to recruitment, hiring, training and compensation.

4208.3b Compliance Officer

The EEO compliance officer (EEOCO), appointed within the Office of Human Resources, will have the responsibility of promoting, coordinating and monitoring ASCC's plan. The duties and responsibilities of the EEOCO as defined in the ASAC are as follows:

1. Following the policy statement and Affirmative Action Plan, providing an effective procedure to communicate EEO procedures;
2. Acting as the focal point of all EEO activities, particularly in the development and implementation of the Affirmative Action Plan;
3. Providing continuous assistance to management in collecting and analysis of employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals. Following through on programs to assure set goals are accomplished on time;
4. Consulting with and advising all appropriate ASSC staff on matters pertaining to the administration of EEO policies;
5. Submitting to the director of the Office of Human Resources quarterly progress reports pertaining to ASG's and ASCC's EEO program;
6. Assisting ASG and ASCC administrators and contractors in preparing effective programs, criteria, compiling and disseminating public information for the Governor and department/agency heads including the President of ASCC, implementing equal-employment-opportunity policies and open-occupancy statements, directing preparation of related correspondence including recommendations on EEO, investigating formal and informal complaints of alleged discrimination by parties to agreements and recommendations procedures to ensure compliance with all ASG and ASCC contract provisions which promote equal opportunity objectives, and attending pre-award and pre-occupancy conferences;
7. Implementing a system for receiving and investigating complaints and/or grievances of discrimination in accordance with EEO rules;
8. Investigating formal and informal complaints of alleged discrimination and contract noncompliance, and implementing procedures to resolve each case;
9. Participating in programs and conferences regarding fair and equal opportunity practices and assisting in servicing the Affirmative Action Plan;
10. Establishing and maintaining contract as the ASG and ASCC primary working liaison and representatives with the community and all ASG and ASCC contracting groups with regard to equal employment policies and opportunities;
11. Requiring that all affirmative action plans submitted by subcontractors or proposed subcontractors are in line with ASG's and ASCC's affirmative action requirements for employment for American Samoa and United States nationals.
12. Submitting to the director of the Human Resources Office reports on the progress of ASG and ASCC in achieving established goals and making necessary recommendations for additional efforts in accomplishing goals of the affirmative action program.

4208.3c EEO coordinators – Publicity

ASCC's EEO policy and Affirmative Action Plan require an overall understanding of each department head about his or her role in meeting ASCC goals and objectives. The President shall appoint an EEO coordinator. The EEO coordinator will direct every effort in educating ASCC, contractor, and subcontractor personnel to clarify their understanding and responsibilities for carrying out EEO policy and the Affirmative Action Plan.

4208.3d Contract-seeker compliance-Third Parties-Monitoring

All nonfederal or non-federally assisted projects, contractors, subcontractors, developers, consultants, appraisers, and other technical specialists will be informed by ASCC that anyone seeking a contract with ASCC must undertake a program of equal employment opportunity. Any company or individual discriminating in employment practices on the basis of race, creed, color, religion, sex, or national origin will not be eligible for contracts with ASCC. The EEOCO will monitor these procedures and activities for compliance, and to undertake any necessary corrective measures. The actions and guidelines contained in this policy shall be applicable also to all third parties involved in the project.

4209a American with Disabilities Act (ADA) Compliance

ASCC complies with all provisions of the American with Disabilities Act (ADA) to ensure that accessibility, equal employment opportunity, accommodations and those with disabilities are equally treated and served.

4210a Non-Discrimination

ASCC prohibits discrimination against any person on the basis of race, religion, gender, color, ancestry or national origin, age, political affiliation, sexual orientation, marital status, or physical or mental disability of otherwise qualified individuals. Non-discrimination applies to all instructional, extension services and support services with all college programs and services.

4212a EEO and Affirmative Action Grievances-Appeals

Grievances and appeals resulting from the implementation of this plan shall be handled in accordance with the procedures outlined in the chapter of these regulations which addresses appeal, grievance and administrative review.

4212b Appeal-Right of career Employees

Career employees may file appeals on matters concerning their suspension, involuntary demotion, or removal.

4212c Appeals to the Board of Higher Education and Procedures

1. Form and Deadline: All appeals must be made in writing and state clearly the basis for appeal to the Chairman of the Board and must be filed within 10 calendar days after the effective date of the action appealed, except in the case of a reduction-in-force. The appeal should also include the employee's request for a hearing if he or she desires and is entitled to one.
2. Scheduling Hearing: The written appeal shall be on the agenda of the Board's next meeting. If the appeal involves a removal, suspension, or demotion, however, the appeal hearing shall be arranged so as to affect a Board decision within 30 days after appeal. However, the Chairman of the Board may deny a hearing when a hearing is impractical by reason of unusual location or other extraordinary circumstances.
3. Hearing Procedures: Hearings before the Board shall be conducted in accordance with the procedures of the Board.
4. Counsel and Openness: Attendance of other interested parties and/or counsel may be limited by the Chairman of the Board of Higher Education if good order, justice, and fairness will be promoted.
5. Death of Appellant: A proper appeal filled before the death of the employee must be processed to completion and adjudicated. If appropriate, the Board may provide for amendment of the employee's records to show retroactive restoration and the employee's continuance on the rolls in an active-duty status to the date of death.
6. Adverse Action Appeal: If the decision is to take adverse action and the employee appeals this action, the appeal must then go to the Chairman of the Board for a final decision at the administrative level.
7. File Access: Prior to the hearing the entire appeal file shall be made available upon request to the employee and his or her representative except when a file contains medical records concerning a physical or mental condition of which a prudent physician would hesitate to inform the person concerned.
8. Notice of Hearing: All parties shall be served with notice at least 10 days before the date set for the hearing. The notice shall state the time and place of such hearing.
9. Depositions: A party who desires to take the deposition of any person in an oral examination shall give reasonable notice of not less than 3 days in writing to the board and all place of taking the deposition and the name and address of each person to be examined.

- (A) The deposition officer shall be a person who is authorized to administered oaths by the laws of the territory of American Samoa.
 - (B) The officer shall certify on the deposition that the witness was duly sworn by him or her and that the deposition in an envelope endorsed with the title of the proceedings and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the Chairman of the Board for filing. The party taking the deposition shall give prompt notice of its filing to all other parties.
10. Case Presentation and Testimony:
- (A) The employee shall present his or her case first. Evidence may be either documentary or by affidavit. The employee must not use affidavits to exempt persons from cross- examination. The employee should not accept an affidavit in lieu of personal testimony from a witness who is present at the hearing.
 - (B) All persons appearing in proceedings before the Board in a representative capacity shall conform to the standards of ethical conduct required of attorneys and witnesses before the Court of American Samoa. If any such person does not conform to such standards, the board may decline to permit such person to appear in a representative capacity in any proceeding before the Board.
 - (C) Witnesses shall be assured freedom from restrain, interference, coercion, discrimination or reprisal in presenting their testimony. Employees are in a duty status during the time they are made available as witnesses.
11. Conclusions: Within thirty days after the original notice, the Board shall make a fully record in its permanent records findings of fact and reasons for the action taken and its order based thereon which shall be final, subject only to further action if the employee appeals the decision in court. St the same time the Board shall send a copy of the findings and Conclusions to the employee at his or her address as given at the hearing or to a representative designated by him or her.
12. Restoration of Rights: Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, annual leave accrual, and retirement.
13. Correction of Performance Evaluation: A correction of a performance evaluation shall not affect a certification or appointment which has already been made from the register.
14. Correction of Classification: Correction of a classification decision which results in a promotion or demotion shall be handled as stated in the chapter in these regulations on recruitment and placement, specifically the section on "Promotion – Lateral movement – Transfer – Detain – Demotion." The Board will determine the effective date of any such action.

4212d Grievances

1. Filing Grievances may be files orally or in writing by any person, at any point of contact within ASCC. If the grievance is misdirected (complaints about another department) the grievant shall be properly directed. The following types of action are typical of those which may be grieved, but it is not all inclusive:
 - (A) Performance evaluation;
 - (B) Leave (denial);
 - (C) Promotion;
 - (D) Letter of reprimand;
 - (E) Reassignment;
 - (F) Increment (denial);
 - (G) Hours of work;
 - (H) Discrimination or bias;
2. Procedure. ASCC shall have a three-part grievance procedure, as follows:
 - (A) Each grievance shall be placed in writing, and resolution attempted by the appropriate supervisor at the lowest level.
 - (B) Failing resolution, the grievance shall then be elevated to an uninvolved higher level in the agency and the grievant allowed to present testimony in his or her behalf in an informal hearing.
 - (C) If the recommendation of the informal hearing fails to satisfy the grievant, the case will be forwarded to the President for final decision. If the case is carried beyond this point by the grievant, Regulation 4212c is in effect and the grievant shall submit an appeal to the Board of Higher Education.
3. Exception in cases involving suspension, demotion, or dismissed of a career service employee, no grievance is filed. The only appropriate and allowable employee response is an appeal to the Board.

4216a Smoking Prohibited

1. The College will designate specific smoking areas, and smoking will only be permitted in these areas. Signs will be posted to notify all employees and visitors while on campus of nonsmoking areas and designated smoking areas. Smokers are responsible for keeping the area clean and free of smoking debris. ASCC Security will enforce the smoking policy and regulations, and report any violators to the Vice President of Administration and Finance.
2. In compliance with American Samoa Smoke Free Act violators will be fined up to \$50.00, and my face possible disciplinary actions.

F. Employment Development

4300a Performance Evaluation

ASCC retains the prerogative to monitor, review and assess the faculty member's teaching performance and adherence to ASCC's policies, including written terms and conditions. Visits to class may be unannounced. Should ASCC determine that a faculty member's teaching performance is unsatisfactory, or that there has been a failure to abide by ASCC policies or terms and conditions, the faculty member may be removed from their current teaching assignment and future scheduled assignments. At the sole discretion of the President of the College, a faculty member may be given the opportunity to successfully complete a developmental program at ASCC's choosing, and thereby become eligible for an additional teaching assignment. Should the faculty member so elect, he/she may appeal such action taken by ASCC pursuant to the Appeals procedures in the Personnel Governance section.

4300b Faculty Instructional Evaluations

ASCC expects all faculty members to be evaluated under the following conditions:

1. During the internship period (if applicable) by their mentors;
2. The student end of course survey provides an ongoing evaluation of the educational process managed by the faculty;
3. Periodic review by Department Chairperson/Deans of the department;
4. Administrative Review from the Department usually occurred during the anniversary of the effective date annually. This is filed with the Human Resources Office.

4300c Administrative Student Services Evaluation

The college shall evaluate the Administrative and Student Services offices within the college periodically. Such services are evaluated by those faculty/staff/students that use the service.

4301a Discipline policy generally – Scope of reasons for Removal

It is a policy of ASCC to ensure that employees whose performance of their duties or conduct are not satisfactory are removed from their position promptly, that those who are guilty of misconduct not sufficiently serious to justify removal be properly disciplined, that voluntary and involuntary separations be handled in an orderly manner and that employees be protected against arbitrary or capricious action. Removal may be effective for any of the reasons but not limited to those referred to in these regulations and in ASCA 7.0801.

4301b Removal, suspension, demotion of career Employees.

Employees in the career service, not serving probationary or trial periods and who are not serving under temporary appointments or contracts, shall not be removed, suspended, or involuntarily demoted except for such cause as will promote the efficiency and the good of ASCC.

1. Discrimination shall not be exercised in suspensions, removals, or demotions because of an employee's religious belief or affiliations, marital status except as may be required by law, and physical handicap unless an individual is unable to perform the duties of the position.
2. Like penalties shall be imposed for like offenses whenever removals, suspensions, or demotions are made or when other disciplinary actions are taken.
3. One of the following procedures shall be followed in cases of removal, suspension, and involuntary demotion;
 - (A) The employee shall be notified, in writing, of the charges against him or her, and of the corrective action recommended to the President to be taken against him or her.
 - (B) The notice shall set forth, especially and in detail, the charges preferred against the employee.
 - (C) The employee shall be allowed 3 days for filing a written answer to such charges and for furnishing affidavits in support of his or her answer, or the employee may request and shall be given the opportunity to reply orally.
 - (D) If the employee answers the charges, his or her answer must be considered by the agency. Following consideration of the answer, the employee must be furnished with the agency's decision, in writing, as to the action to be taken.
 - (E) Then agency shall forward to the director of the Office of Human Resources copies of the charges, answer, and reasons for adverse action, all of which shall be made a part of the employee's official personnel file.
4. The employee shall be retained in an active-duty status during the period of notice of purposed action except as follows:

- (A) The employee may be placed on annual leave when the President does not consider it advisable from an official standpoint to retain him or her in an active-duty status during the advance notice period.
 - (B) When the employee is not placed on annual leave and the circumstances are such that his or her retention in an active-duty status may result in damage to ASCC property, or may be detrimental to the interests of ASCC or injurious to the employee, fellow workers, or the general public, he or she may be temporarily assigned duties in which these conditions will not exist, or be placed on excused absence, and be required to submit a reply to the charges within 24 hours. The employee may be placed on immediate suspension pending removal thereafter if appropriate in the opinion of the President.
5. The President shall advise the employee in writing of the removal action to take effect 30 calendar days from the date of the notice the reasons therefore, and that he or she may request a hearing before the board within 10 calendar days of the date of receiving the notice. ASCC shall follow the general format of the ASG sample letter for employee notification of suspension or termination with revisions to reflect ASCC's personnel organization.
 6. If the employee does not appeal or if he or she appeals and the appeal is denied, his or her removal shall be processed finally in accordance with instructions applying within ASCC. ASCC shall follow the guidelines set forth in the ASG personnel rules entitled "Conduct of Government Employees – Disciplinary Action."

4301c Probational or trial Employees

Any employee serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. Employees serving their original probationary period may be separated at any time during such period upon proper recommendation and 5 days working prior notice, without right of appeal.

1. Supervisors shall carefully observe the performance and conduct of employees who are serving the probationary period to determine whether the retention of such employee is in the best interests of ASCC.
2. Three months prior to the expiration of an employee's probationary period, the President shall determine whether the employee is to be retained. If the employee is not to be retained, the President and the employee's immediate supervisor shall advise the employee in writing. The President shall proceed with the separation action as follows:
 - (A) Issue written notice to the employee advising him or her that he or she will be separated as of a particular date, the reason(s) therefore, and that he or she has no right of appeal, except in cases of alleged discrimination because of sex, creed, color, or marital status.
 - (B) The chapter of these regulations on recruitment and placement addresses separation of a career service employee serving a new trial period.

4301d Letter of Reprimand

1. Authority and Preliminary Investigation – Letters of Reprimand may be issued by first line supervisors. The following procedure shall be used when it is proposed to Issue a letter of reprimand to any employee. Before action is taken against an employee, the supervisor having authority to propose or effect such action or his designated representative shall make such inquiry or investigation as he considers necessary to assure himself of the facts in the case.
2. Discussion with Employee – When investigation indicates that action should be taken, the supervisor shall hold an informal discussion with the employee. At the outset of this discussion, the employee should be advised of the contemplated penalty, the specific instances of misconduct, dereliction of duty or other reasons for the contemplated action and of his right to reply. The employee shall be permitted to present his side of the case. The employee shall be advised of the decision at the conclusion of the discussion, if this is practicable. Neither the President nor members of his staff shall conduct these discussions unless appropriate staff are involved.
3. Decision – If the decision is made to take disciplinary action, the letter of reprimand shall reference the discussion held and shall cite the specific reasons for the action to be taken.

4301e Involuntary Reassignment

1. The President may move any employee involuntarily from one position to another, which may or may not involve a change in class, without the right of appeal, provided no reduction in grade or rate of compensation is involved.
2. An involuntarily reassignment is considered an "administrative reassignment" with the best interest of the agency as the primary objective.
3. Failure of an employee to comply with an involuntary (administrative) reassignment shall result in immediate separation.
4. Any employee so reassigned may grieve through the agency's grievance procedures.

4301f Involuntary Reassignment applicability

1. When the President concurs with a division administrator's recommendation, the employee may be moved involuntarily from one position to another, which may or may not involve a change in line of work, without reference to any protective provisions described, provided no reduction in grade or rate of compensation is involved.
2. An involuntarily reassignment is actually an "administrative assignment" with the best interests of the American Samoa Community College as the primary objective.
3. Failure of an employee to comply with an involuntarily (administrative) reassignment shall result in his immediate separation.
4. All recommendations and final processing of involuntarily reassignments are effected by the use of a Request for Personnel Payroll Action Form.

4301g Absence without leave – Abandonment of position

When an employee fails to report for duty or to return from leave for ten or more consecutive workdays, he or she may be considered to have abandoned his or her position. Care must be taken, however, before a final decision is made, to ascertain that the employee has truly abandoned the position. The supervisor should make an effort to contact the employee to determine his or her intentions. If the employee intends in fact to resign, this should be the action taken rather than to term the action abandonment of position, as future employment opportunity with ASCC or ASG may be affected. If the supervisor is unable to ascertain the employee's intention concerning return duty, processing of abandonment of position is proper and should be handled as follows:

1. Action by Operating Officials. The employee's department head shall recommend to the President, using a position action request form, that the employee be separated for abandonment of position. Under the "Remarks" section, list when (date) and what effort the supervisor (name) made to contact the employee, and the results of that effort.
2. The President shall proceed with the separation action in accordance with these regulations.

4301h Abandonment of Position Procedures

When an employee fails to report for duty or to return from leave for five or more consecutive work days, he may be considered to have abandoned his position. Care must be taken, however, that before a final decision is made that he has truly abandoned his position, the supervisor should make an effort to contact the employee to determine his intentions. If the employee intends in fact to resign, this should be the action taken rather than abandonment of position is proper and should be handled as follows:

1. Action by Operating Officials – The employee's agency head and immediate supervisor shall recommend to the President with a Request for Personnel Payroll Action from that the employee be separated for abandonment of position. Under the "Remarks" section, list when (date) and what effort the supervisor (name) made to contact the employee and the result of that effort.
2. Action by the College – Upon receipt of the request mentioned above, the President shall proceed with the separation action in accordance with instructions applying within the College only, including issuance of a Notice of Official Personnel Payroll Action.

4301i Hearing Before an Investigative Board (not same as BHE)

Hearings before the Board will be conducted in accordance with the procedure promulgated by the Board, copies of which are available in the Director's office.

4301j Resignation

An employee may resign at any time subject to the following conditions:

1. Notice.
The comply must notify his or her department head, in writing, of his or her resignation at least 2 weeks prior to the date of separation unless the department head waives such requirement.
2. Withdrawal.
Once submitted, the resignation is binding upon the employee and it may be withdrawal only with the department head's consent.
3. In lieu of separation for cause.
An employee may resign with prejudice in lieu of removal or while issuance of charges leading to removal are pending. In such instances, the department head must indicate the abnormal nature of the resignation on the request for personnel action.
4. Rehire.

An employee who resigns without prejudice is eligible for reinstatement at any time, assuming an opening exists and he or she has completed the probationary period. If the employee has not completed the probationary period or if, within the five years preceding the date of his or her current application, he or she resigned from ASCC in lieu of removal, he or she will complete through regular competitive channels and if selected shall serve a new probationary period.

4301k Other termination Actions

1. A person serving a temporary appointment may be terminated at any time prior to the expiration of the temporary appointment, but must be terminated on the NTE (not-to-exceed) date unless approval has been granted by the President for extensions of the appointment.
2. A non-career employee who has failed to qualify for a probation or career service appointment to continue his or her employment may be terminated by the agency upon notification to his or her department that he or she has failed to qualify.
3. An employee who, during a leave of absence, accepts other employment which is contrary to the purpose for which leave is granted may be terminated
4. An employee who fails to provide his or her department head with proper notice of his or her resignation may be terminated with prejudice.

4301l Lay Off-Reduction-in Force

1. When there is an impending layoff because of lack of funds, curtailment of work, or reorganization, the department head shall notify the President and the affected employee(s) in writing as soon as possible but at least 60 days in advance of the layoff unless cutoff of funds requires a shorter notice period, in which case such requirement must be stated in writing.
2. The provision of this section concerning placement rights is applicable to career service employee. The provisions of this section also apply to a career service employee who is displaced by a career service employee returning from the military duty, furlough, or leave.
3. The President shall exhaust all possibilities in placing the employee within the before a reduction-in-force is effectuated.
 - (A) When there is no appropriate vacant position in which the career service employee may be placed, the agency shall follow the order below in determining which employee shall be displaced:
 - i. A non-career service employee in the same class and pay range. When there is more than one such employee, layoff will be, first, off:
 - a) An employee serving under emergency or temporary appointment;
 - b) An employee serving a probationer appointment.
 - c) A career service employee who occupies a position in the same class and grade and has the least seniority based on the service computation date:
 - (B) A non-career service employee who occupies a position in another class at the same pay range, in accordance with divisions (A) (1), (II), and (III) of this subsection, provided the displacing employee meets the minimum qualifications for such position:
 - (C) A non-career status employee who occupies a position in the same series, but a lower class and pay range in accordance with divisions (A) (I), (II), and (III) of this subsection:
 - (D) If the President is unable to place the employee, he or she shall immediately notify the Director of the Human Resources Office, who will place the employee on ASCC's reemployment register, and effect territory-wide RIF's procedures. The President will issue the two-week notice of termination and place the employee on ASCC's reemployment register.

4301m Clearance for Terminating Employees

The standard ASCC clearance form must be completed by all terminating employees and kept on file by ASCC.

4303a Standard Schedule of Disciplinary Offences and Penalties General Statement

The Standard Schedule of Disciplinary Offences and Penalties (Annex "A") is provided as a guide in the administration of discipline. Since the schedule is of the utmost concern to all employees, conspicuous posting is required. The Standard Schedule provides a uniform code of penalties for a reasonably complete list of offenses. The range of penalties is provided to give flexibility in dealing with particular situations. In general, after consideration of all circumstances, the penalty assessed should be the minimum which may reasonably be expected to concert the employee and maintain discipline and morale among other employees. (*Refer to Appendix A – Standard Schedule of Disciplinary Offences and Penalties Administration*)

4303b Standard Schedule of Disciplinary Offences and Penalties Purposes.

The purposes of the Schedule are:

1. To provide a measure of uniformity in imposing penalties consistent with individual differences and the nature of the position held.
2. To develop generally on the part of employees a clearer understanding of what constitutes reasonable cause for disciplinary action.
3. To provide a standard and uniform basis for disciplinary offences and penalties and to support management in its administration of disciplinary matters.

4303c Standard Schedule of Disciplinary Offences and Penalties Application

In applying the Standard Schedule, the following instructions and guides are provided:

1. Use of Standard Schedule in presenting charges-When presenting charges to the employee, a blanket statement from the Schedule should not be used. Use only the parts which describe the employee's actual conduct and leave out parts which do not apply. For example, if an employee used abusive language which has no absence, he could be charged with abusive language only and not with Offense No. 23 in its entirety. If the reason for the contemplated disciplinary action cannot be described in terms of an offense from the Schedule, it should be possible to state the reason in terms of regulations or rules of general conduct which have been violated or damage to or interference with management operations resulting from the employee's action. The factor of willful negligence should be avoided, as willfulness is difficult to establish. Generally, the question of willfulness may be discarded if the fact of negligence, failure or dereliction of the employee is established. (*Refer to Appendix B Standard Schedule of Disciplinary Offences and Penalties – Procedures and Actions*)

4303d Combination of Offenses

The Schedule provides for disciplinary action in the case of a combination of any of the offenses listed. However, the preferment of more than one charge for single offense (example: "Sleeping and loafing"), is prohibited. In such cases, the more appropriate offense should be used and the proper penalty assessed. Where the infraction covers a combination of two or more normally unrelated offenses (example: "intoxication" and "insubordinate"), charges covering each offense should be preferred and a heavier penalty than that prescribed for any one such offense may be assessed.

4303e Reckoning Period

The Standard Schedule provides for a reckoning period or specific interval of time, after an offense occurs. A repetition of the offense within the period calls for a more severe penalty as determined by the circumstances. Reckoning periods are not cumulative. They commence with the occurrence of the offense and expire absolutely at the end of the period of time specified for the offense. To identify the offense as the first, second, or third within a reckoning period, review the record and determine if the employee has committed a like offense during the period, occurring just prior to the current offense.

4303f Letters of Reprimand

The Standard Schedule provides for a letter of reprimand as the minimum penalty for all offenses. A copy of each reprimand shall be placed in the official personnel folder of the employee concerned. Reprimands may be considered in determining disciplinary action taken at later dates. The letter of reprimand should not be confused with letters of caution or requirement which establish standards of conduct and performance, with written warnings as used with performance ratings with other adverse correspondence such as used in case involving abuse of sick leave.

4303g Suspensions

The Standard Schedule provides for suspensions of varying lengths of time for all offenses. Suspension penalties are applicable to work days only.

(1) Deferred Suspension

Deferred suspensions help reduce lost time and may be suitable in some circumstances. If a suspension is deferred, it is held in abeyance during the reckoning period, contingent upon satisfactory conduct of the employee. When a suspension is deferred, the employee should be told in writing of the specific conditions under which it will be held in abeyance. (Note: A deferred suspension shall not be used as a PROPOSED disciplinary measure).

- (2) A deferred suspension may be invoked when a subsequent offense of any kind occurs during the reckoning period. The suspension may be summarily carried out if the employee does not have permanent status. If he does not, and the proposed disciplinary action for the current offense is Demotion or Removal, the employee must be advised by written notice proposing

disciplinary action as a result of the current offense. If a current offense is not established, a deferred suspension shall be considered a letter of reprimand.

4303h Demotions

The Standard Schedule provides that, where appropriate, consideration may be given to demotion as a disciplinary penalty in lieu of removal. Normally, demotion should be taken as a disciplinary measure only in cases involving supervisory personnel.

4303i Considering the Past Record

1. The Standard Schedule provides that penalties for disciplinary offenses will, in general, fall within the ranges indicated. However, in unusual cases, depending upon the gravity of the offense and the past record of the employee, a penalty, either more or less severe than the maximum or minimum range provided for in the schedule may be imposed. If a current offense, the employee must be so advised of this fact in the advance notice proposing the adverse action or in the notice of adverse action if no advance notice is required. Not more than two years of an employee's past disciplinary record shall be considered in such connection.
2. Depending upon the severity of the offense, removal proceedings may be instituted against an employee for any four offenses committed in any 24 months period which include two or more offenses of the Standard Schedule or for the fourth occurrence of the same offense within the reckoning for that offense.

4303j Voluntary Resignation

At any given time, voluntary resignation is subject to the following conditions:

1. **Notice** – Employee who voluntarily resigns from their positions at ASCC must provide written notification two-weeks in advance to his/her supervisor of their intent to resign. At the option of the college, such employee must be given two weeks' pay and may be required to discontinue work immediately, in lieu of working during the two-week notice period. The intended effective date of resignation must be specified in the letter. Faculty members who have successfully taught for the ten (10) months will be paid his/her salary and all benefits up to the end of the school year.
2. **Withdrawal** – Once submitted, the resignation is binding upon the employee and it may be withdrawn only with the supervisor's consent and approval of the President.
3. **In Lieu of Separation for Cause** – An employee may resign with prejudice in lieu of removal or while issuance of charges leading to removal are pending. In such instances, the supervisor must indicate the abnormal nature of the resignation on the Personnel Employment Separation Request.
4. **Rehire** – An employee who resigns without prejudice is eligible for reinstatement at any time, assuming an opening exists and he/she completed the probationary period, or if within the five years preceding the date of the current application; he/she resigned from ASCC in lieu of removal; he/she will compete through regular competitive channels and if selected shall serve a new probationary period.

4304a Termination Actions

1. Person serving under a temporary appointment may be terminated at any time prior to the expiration of the temporary appointment, but must be terminated on the NTE (not to exceed) expiration date, unless approval has been granted by the President for extension of the appointment.
2. A non-career employee who failed to qualify a probation or career service appointment to continue employment, may be terminated upon notification by the Human Resources Officer to the department that he/she has failed and is to be terminated.
3. An employee who, during a leave of absence, accepts other employment, which is contrary to the purpose for which leave is granted, may be terminated.
4. An employee who fails to provide the Department Dean/Director, Officer with proper notice of resignation may be terminated.

4304b Removal of Faculty from Teaching

Removal of the faculty member from a current teaching assignment may result in partial or non-payment of the salary/or class contract at the course rate. This will occur when a faculty member fails to comply with the expectations, requirements, standards of conduct, and policies of ASCC to the extent that he/she must be removed. ASCC shall not be obligated to pay the faculty member per his/her contract.

4304c Absence Without Leave – Abandonment of Position

Absence from work for a period of five or more consecutive scheduled workdays without proper written notification or satisfactory excuse given to the immediate supervisor will be construed to be an abandonment of employment and a voluntary quit.

4304d Layoff – Reduction in Force

1. The President shall notify the Dean, Director, Officer in writing when there is an impending layoff because of lack of funds, curtailment of work, or re-organization. Officer shall notify the President and the affected employee(s) in writing, as soon as possible with an advance time of at least 60 days of the layoff; unless cutoff of funds requires a shorter notice period, and this must be stated in writing.
2. The provision of this section concerning placement rights are applicable to career service employees whose positions are to be abolished and to a career service employee who will be displaced by another career service employee. The provisions of this section also apply to a career service employee who is displaced by a career service employee returning from the military duty, furlough, or leave.
3. The President shall exhaust all possibilities in placing the employee within another comparable position before a reduction-in-force is effectuated.
4. If the President is unable to place the employee, he or she shall immediately notify the Human Resources Officer. The President will issue the two-week notice of termination and place the employee on ASCC's reemployment register.

4304e Exit Interview

ASCC has a considerable investment in its employees. Therefore, it is of interest to the college to evaluate the circumstances surrounding the separation of an employee, whether voluntary or involuntary. Exploring an employee's reasons for resigning or the factors resulting in termination enables ASCC to better evaluate whether the work environment is conducive to employee satisfaction or whether changes can or should be made.

Prior to leaving ASCC upon separation, the employee will schedule an exit interview with the Human Resources Officer or a designated representative.

G. Training and Development

4306a Training and Development Purpose

ASCC has an obligation to its employee to utilize and develop the talents and abilities of each employee to the maximum extent. It is therefore necessary to establish and operate programs in order to:

1. Improve public service;
2. Increase efficiency and economy;
3. Build and retain a work force of skilled and efficient employees;
4. Install and use the best modern practices and techniques in the conduct of government business.

4306b Management Responsibility – Individual Responsibility

1. The President, ASCC, will develop an annual departmental training program and incorporate it into the department's annual budget. The President will advise the Director of the Human Resources Office of ASCC'S annual departmental training program.
2. ASCC may request the Director of the Human Resources Office to provide technical advice and assistance in the development of the departmental annual employee development and training plans.
3. Individual's responsibility; because training and development is an individual matter, one that must be accepted and recognized by the person concerned in order to be of any benefit, each employee is, therefore, responsible both to himself or herself and to ASCC for his or her personal development and growth.

4306c Departmental Committees

1. The ASCC employee development and training committee will consist of appropriate representation within the department and will advise in the development of policies, procedures, and training programs.

4306d Scope of Activities

ASCC, in establishing an employee development and training plan, will include, but not be limited to the following:

1. Induction Training. Induction training consists of two phases;
 - (A) Orientation Training. Orientation training will be given each new employee upon entry to give him or her an understanding of the department, its policies, objectives, programs, functions, and organizational structure, basic laws affecting departmental operations, and the relationship of his or her job to the overall organization. The standard employee orientation schedule form should be completed at the conclusion of employee orientation.

- (B) Basic Job Training. The immediate supervisor is responsible for providing to a new employee or an employee transferred into another job the basic knowledge of his or her job, including work standards, and to assist him or her in acquiring the skills, techniques, work habits, and attitudes essential for satisfactory work performance.
- 2. Refresher Job Training.
This training is provided to bring employees up to date on information in an occupation in which they had been previously trained and to brush up on skills that have become “rusty” through disuse or improper use.
- 3. New Activities, Procedures, Laws, Policies.
 - (A) Whenever new activities or procedures in work methods are instituted, ASCC will provide performing the new activity before effecting the changeover. Such orientation and instructions will be given to all employees involved, to effect the change with a minimum of work disruptions and to facilitate transition to the new setup from both the standpoint of management and the employees.
 - (B) Whenever changes to existing laws whenever new laws, policies, and rules are made, ASCC will provide the means for informing all management personnel, including supervisors and such other persons as are affected, of these changes.
- 4. Management Development Activities (Supervisors).
 - (A) Basic Supervisory Training.
ASCC shall enroll all supervisors in the Office of Human Resources basic supervisory training program within 6 months of their appointment. This program will cover the basic skills, knowledge, and attitudes necessary for the efficient performance of their managerial and operational responsibilities.
 - (B) Advanced Supervisory Training.
A supervisory development activity of an advanced and continuing nature shall be established to further assist administrative and supervisory personnel in keeping up with new developments in management, supervisory, and human relations techniques.
- 5. Methods Improvements Activity (Work Simplification).
This training is provided to assure a systematic plan for developing better operating methods through the cooperative efforts of management and employee in recognizing, stimulating, and using the common sense and imagination of all employees and supervisors to produce valuable ideas for effecting economy and developing better methods for getting work done in the easiest, simplest, and fastest way possible.
- 6. Self-development Activities.
This training provides employees with the means for self-improvement in developing essential knowledge, skills, and attitudes, and individual potential for career service through voluntary participation in government-sponsored and agency-sponsored activities both with or without the government service.
- 7. Special Purpose Activities.
This training provides for meeting the needs imposed by technological improvements or employment displacement, changes in public services requirements, civil defense matters, legislation, or conditions, usually of a non-recurring nature. Included in this category are;
 - (A) Internship training activity, a formalized activity of related academic study and on-the-job I instruction designed to develop outstanding individuals to meet the employment needs of ASCC and to upgrade the equality of ASCC service through improved personnel effectiveness;
 - (B) Training agreements, which provide ASCC with the means for obtaining qualified personnel to carry out the agency’s mission when there are no other available resources through which these qualified personnel could be obtained. They are formal plans whereby ASCC or ASG training is used to supplement the employee’s present qualifications.
- 8. Out-service Training.
This provision permits ASCC to send employees to non-agency or non-government facilities for needed training which is not available within the government’s jurisdiction and to pay all or any part of the expenses of such training. The training may be full time, part time, on duty or off duty, day or evening, or any necessary combination of these, provided the training is of primary benefit to ASCC service.

4306e Records – Reports – Expenditures

- 1. Records.
 - (A) Basic Records.
ASCC will prepare for documentation in official personnel jackets, letters of completion for individuals completing satisfactorily any approved employee development and training activity. The letter will include the following information:
 - i. Title of Course;
 - ii. Hours of training received;
 - iii. A brief outline of subject matter covered;
 - iv. Dates of attendance;
 - v. Where and by whom sponsored if other than ASCC;
 - (B) Training Certificate.

The Human Resources Office will ensure training certificates to employees completing satisfactory any endorsed employee development and training activity with 20 or more hours of instruction time. ASCC will advise the Office of Human Resources of employee development and training activities through of employee development and training plans and of any additions or amendments to them.

2. Report Requirements.

A system of reporting is necessary to give meaningful information which will assist management in assessing the past and in planning the future activities and to funnel in the data from ASCC to the Human Resources Office, which is responsible for preparing a master employee development and training report for the Governor. ASCC will submit a consolidated semi-annual report to the Human Resources Office by the tenth working day following the end of each semi-annual period.

3. Expenditures.

(A) For items in the annual agency employee development and training plan requiring expenditures of funds for which appropriations have been included in the agency's operating budget;

i. In-service Training.

An invoice for expenditure of funds will be completed and processed according to the ASCC standard operating procedure.

ii. Out-service Training.

An invoice for expenditure of funds will be completed and processed according to the ASCC standard operating procedure.

(B) For items requiring agency expenditures of funds above and beyond those covered in the operating budget:

i. In-service Training.

Training using resources and facilities outside the agency but within the jurisdiction of ASCC and involving expenses for which funds have not been included in the agency annual training budget will be submitted for prior approval to the President.

ii. Out-service Training.

Training using resources and facilities outside of the jurisdiction of ASCC will be submitted for prior approval to the President.

4306f Training and Professional Development

Training is designed to provide employees with the skills, training, and experience necessary for their continued development relevant to their job requirements. Training will be subject to the following conditions:

1. Each full-time employee may be permitted to attend conferences as funds permit, including registration and reimbursement for lodging, meals, and travel. Attendance at such a conference shall be requested by employee via the Department Dean or Director or Officer. The request shall provide an estimated cost of the training. This shall be forwarded to the President or Vice President(s) via the appropriate processor who will determine the value of the conferences, amount of time and leave, and cost.
2. Each individual who attends an approved conference, seminar, and or in-service is required to submit a written report summarizing what was covered, the date, and who attended, including a copy of the certificate of completion if applicable for inclusion in their personnel record.
3. All training pertaining to employee development will be recorded and archived by the Human Resources Division.
4. College courses will require Human Resources review and recommendation for approval by the Department or President's approval prior to attending and to be inclusive in the employee's official record.

4306g Training Records

ASCC will prepare documentation in official personnel records, letters of completion for individuals completing satisfactory any approved employee training.

4306h Employee Recognition of Training and Development

ASCC is committed to providing quality instructions and services to the American Samoa community. The following guidelines have been developed to ensure a successful attainment of training will directly benefit the college:

1. The needs of the college supersede the needs of an employee. The current emphasis will be to allow employees to take classes, which have a direct bearing on their job responsibilities so that the training will directly benefit the college.
2. Professional development priority will assist career service faculty over five years and have been able to attain certification and or the minimum of a Master Degree.
3. Specialist Contract workers or part-time temporary employees are not eligible for professional development benefits. These benefits are aimed at developing knowledge and skills for employees who will return to ASCC and serve its purpose. Applicants must be US National, US Citizens or permanent residents of American Samoa.
4. ASCC will provide financial assistance for professional development and training upon availability of funds.
5. Employees of ASCC who have completed the probationary period are eligible to take two three (3) credit courses per semester.

- (A) Approval of the immediate supervisor is required.
- (B) Human Resources will be responsible in tracking service years rendered.
- (C) Meeting years of service and approval is required for registration.
- (D) ASCC pays for tuition from the department budget.
- (E) This is not an entitlement but a benefit to meet a need of ASCC as approved by the supervisor.

H. Employee Conduct

4400a Timesheet

All employees including those on career service, temporary, and contracts must record their attendance on a bi-weekly timesheet. The hours reported must accurately reflect the actual time that employees report to and leave the workplace each day. Timesheets shall be signed and delivered to the Human Resources Department on the day and time established as the due date. All reports will be submitted using ASCC HR 4400 (10/06), unless timesheets required additional information as for allocation of cost to the program, authorization for compensation/overtime.

4400b Making Up Time

An employee who reports to work late should make every effort to make up the time on the same day. Time lost during any one-payroll period because of tardiness or absence must be made up during the same period.

4400c Docking of Pay

Employees who are consistently late in reporting to work may have their pay docked under certain circumstance. Employees whose cumulative absences from work add up to thirty (30) minutes or more in one work week may have time deducted from their paycheck upon approval by their Department Dean or Director or Officer.

4400d Faculty Absence from Course

Faculty must confirm any emergency scheduling changes (time, date, location) with the Dean of Academic Affairs. In the event that a faculty member shall need a substitute, only an ASCC approved faculty member shall be used. All substitutions must be approved and signed through the Dean of the appropriate department Dean of Academic Affairs. Extended absences may be covered by outside instructors or by instructors within the departments that have been approved for additional load, either of which are to be paid by prorating the pay credit given third term instructors

4400e Time Reporting

ASCC career service, full time contract employees are required to report their weekly working hours on a timesheet to record their work day attendance. Employees on budgeted positions who are paid from one source of funding (cost center) shall use the ASCC Standard Timesheet to reflect working hours.

ASCC employees on budget positions who are paid from multiple sources of funding (cost centers) that require the reporting of Time and Effort shall utilize an approved Time and Effort Timesheet.

An incomplete timesheet with appropriate approving signatures may result in non-payment of services rendered. All timesheets must be submitted on a bi-weekly basis following the established processes and procedures for usual payroll processing.

4400f Time Clocks

At the discretion of the Dean or Director or Officer of their department, some employees may be required to punch a time clock to record their attendance each day. In most instances, employees who punch a time clock will be required to punch their time cards at the beginning and at the end of each workday, and during their lunch break when leaving the campus. Each employee is required to personally punch his or her own time card. Failure to punch in or punch out at the assigned clock location or to follow clocking instructions may result in time being docked. Employees are specifically prohibited from punching another employee's time card. Violation of this policy will result in disciplinary action.

4400g Work Schedule (Traditional)

Work schedules will be defined in the letter of appointment. Employees should be at their desks ready for work, on time. Office hours are from 7:30 Am to 4:00 PM. All employees are entitled to a 30-minute lunch break and two 15-minute coffee breaks, one in the morning and one in the afternoon. Employee shall be notified in writing of any changes to this schedule.

Exempt staff (career services, contractors on annual salary-nonpayment of overtime) may be required to work beyond the designated work schedule in order to adequately fulfill their duties.

Staff or faculty finding they are unable to report to work on time or unable to report for a full day must inform their supervisor within 15 minutes of the beginning of their work shift. Good and sufficient reason must be provided for any tardiness or absence.

4400h Work Schedule (Alternative)

An alternative work schedule offers another option for working hours, and it applies to all regular full-time employees working a regular forty (40) hours a week, Monday through Friday. Provided they fall under the following condition: If an employee's performance is negatively affected by the regular work schedule, and the alternate work schedule does not disrupt the operations and mission of the college if their work requires a special time schedule.

4404i Break Periods

Full-time, non-exempt employees are to be granted two work breaks during the workday. These work breaks are to be limited to not more than 15 minutes each and should not be allowed earlier than one hour after the beginning of the workday or later than one hour before the close of workday. Employees who are less than full time should be allowed work breaks based on their work schedule.

Specific times for taking work breaks by an employee will be contingent on the workload at the discretion of the supervisor.

If for any reason the employee is unable to take a work break during the workday, the break time will not be carried forward to become cumulative and taken at a later time. In work situations where there are built-in work breaks, where due to the nature of the work being performed, the employee will be idle from time to time during the workday, regular work breaks are not expected to be granted.

Should an employee be on a work break and be asked to return to his or her workstations due to an emergency or any other valid reason, failure to do so will be justification for appropriate disciplinary action.

4400j Appropriate Dress

ASCC employees are expected to exhibit a neat, well-groomed appearance and in accordance with the prescribed guidelines by the President:

These guidelines are broad and based on discretion of the President. Radical departure from conventional dress or personal grooming includes, but not limited to:

1. Tasteless excessive makeup
2. Untrimmed facial hair
3. Unkempt long hair
4. Short dresses, skirts, and shorts (1" below the buttocks)
5. Tank or revealing tops (e.g., halter tops, see-through shirts or skirts)
6. T-shirts advertising obscene and unlawful products
7. Clothing worn that exposes the midriff, derriere or any other parts of the body that can reasonably construed as obscene.

ASCC will not be held liable for damage to clothing or accessories while the employee is on duty. If the supervisor decides that the employee is in violation of the dress code, the employee will be asked to go home and change. The time required to do this is unpaid.

4400k Personal Telephone Calls

Personal use of ASCC telephones for local or long-distance calls by an employee is prohibited, except in the case of an emergency.

4400l Safety practices

All ASCC employees should be familiar with and observe the safety, rules of ASCC as set forth in Appendix A which appears at the end of this chapter.

I. Employee Benefits and Services

4500a Faculty Leave

Faculty who are on contract as full-time/12 months for two years can earn both sick and annual leave at the rate as stated in the Personnel Governance. Faculty members who are full-time (FT) nine (9) months are not eligible for annual leave only sick leave.

Faculty members under this status (FTE/9months) may request leave for emergency purposes for an extended period after an arrangement has been reached with the Dean of Academic Affairs and the Vice President of Academic and Student Affairs for the faculty member to make-up for the time off. The President of the College will have final approval in this matter.

4500b General Leave Purpose

It is recognized that maximum efficiency on the job can be obtained by permitting employees to have time off with pay for purposes of rest, and to meet personal and family needs. It is also considered essential to the maintenance of a stable, satisfied, and productive work force for employees to be compensated to a reasonable extent during periods of involuntary absence from duty due to physical incapacity. Deserving employees, whose retention is of demonstrated value, should be guaranteed job security when it is necessary for them to be in a non-duty status, and based on legitimate reasons, for periods longer than permitted under rules governing authorized absence with pay.

ASCC's leave policies are in accordance with 7.12 ASCA (see Appendix 1).

4500c Administrative Responsibilities

1. The ASCC Human Resources Office is responsible for the maintenance of employee leave records and furnishing advance relative to all leave records matters.
2. The President is responsible for all policy matters pertaining to leave and absence from duty.
3. Agency department heads and supervisors are responsible for day-to-day administration of the leave policy.

4500d Annual leave – Charges to Leave

1. Accrual:
 - a. To earn leave an employee must be employed during a full biweekly pay period. He or she is considered to have been employed for a full pay period if he or she is in pay status of an agency on all days falling within the pay period exclusive of holidays and non-workdays.
2. Earning Rates:
 - (A) Full-time employees:
 - i. Employees with less than three (3) years of creditable service earn 4 hours or ½ workday of annual leave for each biweekly pay period.
 - ii. Employees with three (3) but less than 15 years of creditable service earn 6 hours or ¾ workday of annual leave for each full biweekly pay period except for the last full pay period of the calendar year, for which they earn 10 hours of annual leave.
 - iii. Employees with 15 or more years of service earn 8 hours or one workday of annual leave for each full biweekly pay period.
 - (B) Part-time employees:
 - i. Employees with less than three (3) years of creditable service earn one hour of annual leave for each 20 hours in a pay status.
 - ii. Employees with three (3) but less than 15 years of creditable service earn one hour of annual leave for each 13 hours in a pay status.
 - (C) Fractional pay periods: If employment is continuous, leave is credited on a pro rata basis for those days during a fractional pay period for which an employee is being paid. The following table may be used to determine the amount of pro-rated leave credit:

PRO RATA TABLE

Bi-Weekly Pay period			
Workdays	Category 4*	Category 6	Category 8
1	1	1	1

2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

** This column may be applied for sick leave purposes*

(D) Maximum Accumulation:

Accumulation of unused accrued leave may not exceed a total of 60 days at the beginning of the first complete pay period of each leave year. Excess leave beyond the 60 days is forfeited except as follows:

- i. Nothing in this section shall be construed to prohibit the taking or require the forfeiture of any annual leave which is validly granted and the taking of which begins on or before the last working day of the current leave year, notwithstanding that the recording of the current accrued annual leave for the current leave year on the last day thereof might result in an accumulation of more than 60 days including the working days of the annual leave so granted and then being taken. The period of such annual leave shall be regarded as if it had been entirely taken prior to the last day of such leave year.
- ii. Nothing in this section shall be construed to require the forfeiture of any annual leave when an employee terminates on or before the last working day of the leave year, notwithstanding the fact that the recording of current accrued annual leave for such year on the last day may result in an accumulation of more than 60 days.

3. Leave Charges:

(A) Leave Days:

Both annual and sick leave are charged to an employee's account only for absence on regular workdays; i.e., days on which he or she would otherwise work and receive pay during his or her regular tour of duty. Leave is not charged for absence on holidays or other non-work days.

(B) Minimum Charge: One hour is the minimum charge for either annual or sick leave. After one-hour, additional charges may be made in multiples of ½ hour. Absence on separate days is not combined.

4. When taken:

(A) Annual leave is provided and used for two general purposes, which are:

- i. To allow every employee an annual vacation period of extended leave for rest and recreation;
- ii. And to provide periods of time off for personal and emergency purposes. These absences involve such matters as death in family, religious, observances, attendance at conferences or conventions, securing a driver's permit, or other personal business which can be disposed of only during the time in which the employee would ordinarily be working.

(B) Annual leave provided by law is a benefit and accrues automatically. ASCC is responsible for administering the annual leave system and issues instructions concerning the granting of annual leave. Guidelines are as follows:

- i. The approval of short periods of leave should generally be the responsibility of immediate supervisors, who best know whether the leave requested is compatible with the workload.
- ii. Requests for extensive periods of annual leave may be recommended for approval by the immediate supervisors but requires approval at a higher organization level.
- iii. Decisions as to the granting of leave will generally be made in the light needs of the agency rather than solely the desires of the employee.
- iv. Supervisors should ensure that annual leave is scheduled for use so as to prevent any unintended loss of leave at the end of the leave year.
- v. Annual leave must be requested and approved prior to its taking. Failure to secure prior approval may result in a charge to leave without pay and may result in disciplinary action against the offending employee. The ASF form for application for leave must be completed and submitted 3 days before an employee may take leave.

- vi. In Lieu of Sick Leave. Approved absence, otherwise chargeable to sick leave, may be charged to annual leave when sickness exceeds accumulated sick leave hours.
- vii. Advances. It is not permissible for an employee to be granted annual leave in advance of its having been earned.
- viii. Lump-sum Payments.
 - a. Entitlement. An employee who has annual leave to his or her credit and who is separated from employment with ASCC is entitled to payment of accumulated, accrued annual leave in a lump sum.
 - b. Computation of Payment. Lump-sum leave payments are equal to the compensation that he or she would have received had he or she remained in the employment of ASCC until the expiration of the period of annual leave paid. Included is pay for holidays falling within that period to which the employee would have been entitled. The employee does not. However, earn leave during the period represented by the lump-sum payment. Except for purposes of taxation, the lump sum is not regarded as salary or compensation.

4500e Sick Leave

Sick leave is for use when an employee is physically incapacitated to do his or her job or for such related reasons as exposure to a contagious disease that would endanger the health of co-workers, presence of contagious disease in an employee's immediate family which requires his or her personal care, or for dental, optical, or medical examination or treatment.

1. Earning Rates.

(A) Full-time Employee.

Employees earn sick leave at the rate of 4 hours or 1/2 workday for each full biweekly pay period. Sick leave is earned from the first pay period of employment.

(B) Part-time Employees.

These employees earn sick leave at the rate described under the category 4 column of the pro rata table in this chapter.

2. Maximum Accumulation. Unused sick leave is accumulated without limit.

3. Granting.

Sick leave is a right, provided the requirements of this subsection are met. ASCC officials have the authority and responsibility to determine that the nature of the employee's illness was such as to incapacitate him or her for his or her job and that other reasons for which sick leave is granted are valid. It is mandatory that an employee furnish documentary evidence in the form of medical certificate for periods of sick leave in excess of 3 consecutive workdays. However, management may require that the employee furnish such certificate for sick leave involving any length of time. The employee who becomes ill is responsible for notifying his or her supervisor as soon as possible. Required medical certificates shall be submitted together with leave request forms and time sheets as specified by the above reference.

4. Advances.

An employee may draw upon anticipated sick leave credits if current credits become exhausted. The request shall be made to the President within these requirements and limitations:

(A) The advance will be made based upon anticipated accrual of credits up to 30 leave days. If the employee has a planned termination date which will affect the accrual, the number of days which can be advanced will be reduced accordingly.

(B) The advance will not be authorized automatically. The following factors will be considered prior to approval:

- i. Has the employee been wise and careful in the use of leave in the past?
- ii. Does the doctor show the employee will be able to return to work in a reasonable time?
- iii. Are the best interests of the agency and the employee served through this action?
- iv. What are these special circumstances which warrant continuing this person's pay on the chance he or she will return to work and earn the sick leave credit? Length of service, performance record, essential nature of services, and circumstances beyond their control should be cited (pregnancy cases do not generally qualify).

4500f Granting of Leave

- 1. Planned annual leave must be requested and approved prior to its taking. Failure to secure prior approval may result in a charge to leave without pay and or disciplinary action against the offending employee. Decisions in granting leave will be made in light of the needs of the College rather than solely the desires of the employee. The ASCC application for annual leave must be completed and approved three (3) days before an employee may take leave. Exceptions to this rule (See Emergency leave).

2. Delegation of Authority. The President shall delegate to Division Supervisors or designee to determine leave eligibility and grant or approved use of leave as noted below:
 - (A) Division Dean or Director or Officer shall authorize leave up to 24 hours or 3 working days of annual and or sick leave. Annual leave requests shall be recommended by the immediate supervisor but require approval by the Division Dean or Director of Officer.
 - (B) Vice President. Leave requests of more than 24 hours or 4 working days and up to 160 hours will be recommended by the immediate supervisor and Division Dean or Director of Officer and approved by the appropriate Vice President.
 - (C) President. All requests for leave beyond 160 hours or 21 working days or more will be recommended by the Dean or Director of Officer of the division and the appropriate Vice President for approval of the President.

Granting of Annual and Sick Leave Requests:

Pre-approvals	Final Approval	Working Hours	Working Days
Immediate Supervisor	Division Dean/Director/Officer	1 - 24	1 - 3
Immediate Supervisor; Division Dean or Director or Officer	Vice President (appropriate)	25 - 160	4 - 20
Immediate Supervisor; Division Dean or Director or Officer	President	161+	21+

4500g Maternity Leave

Maternity leave, a period of approved absence for incapacitation related to pregnancy and confinement, is chargeable to sick leave or any combination of sick leave, annual leave, and leave without pay, in the order given.

1. Employees are required to request maternity leave substantially in advance of their intended absence so that staffing adjustments may be made.
2. Periods of maternity leave shall be based on individual medical determination. A medical certification must be submitted showing expected date of confinement. Maternity leave may be granted for a period of 6 weeks prior and 6 weeks subsequent to birth.

4500h Intermittent or Reduced Leave Schedule

An eligible employee may take Family Medical Leave Act (FMLA) leave on an intermittent or reduce leave schedule basis whenever medically necessary. If an employee takes FMLA leave for the birth of a child, to care for a newborn, or to care for a child placed for adoption or foster care with the employee, the employee may only take leave on an intermittent or reduced leave schedule basis with the President’s approval. ASCC reserves the right to temporarily transfer an employee who takes FMLA leave on an intermittent or reduced leave schedule to an alternate position (with equivalent pay and benefits) in order to better accommodate employee’s schedule.

4500i Family Medical Leave Ends

An eligible employee returning to work from FMLA leave has the right to return to the same or equivalent job on the same shift and at the same work site without loss of any employment benefits accrued as of the date the employee’s leave began at ASCC. However, if the employee cannot perform an essential function of the job because of a physical or mental condition (including the continuation of a serious health condition), the employee is not entitled to be restored to the same or equivalent job. In such cases, ASCC will make every effort to provide the employee reasonable accommodation per the American Disabilities Act.

4500j Medical Certification

- A. Medical Certification Records – The Human Resources Office shall maintain all Medical Certification forms, other records and documentation relating to the medical certifications, recertification, or medical histories of the employee or employee’s family member that are created for FMLA leave purposes as confidential medical records in separate file from the usual employee record in compliance with HIPPA.
- B. Information Shared with Supervisors and Other Personnel – The Human Resources Office may inform an employee’s supervisor about necessary restrictions on the employee’s work or duties and necessary accommodations. In addition, the department may inform first aid and safety personnel (when appropriate) if the employee’s physical or medical condition might require emergency treatment.
- C. Fitness for Duty Certification – An employee who takes FMLA leave because of serious health condition must provide fitness-for-duty medical certification before returning to work.

- D. **Deadline for Providing Medical Certification** – An employee must provide a completed Medical Certification form with 15 calendar days of the ASCC’s request, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good-faith efforts.
- E. **Questions Regarding Medical Certification** – If ASCC needs clarification regarding an employee has completed Medical Certification form that has been signed by the employee’s health care provider, a health care provider representing ASCC may contact the employee’s health care provider, with the employee’s permission, for the purposes of clarification.
- F. **Adequacy of Medical Certification is Questionable** – If ASCC has reason to doubt the validity of a medical certification, the college may require the employee to obtain a second medical opinion.

4500k Leave Sharing Policy (formerly 4509)

- 1. All eligible ASCC employees with leave benefits, who have one year of continuous service with leave benefits are eligible to participate in the program to donate or receive accrued sick or annual leave to eligible employees in need.
- 2. For the purpose of this regulation and procedure, the following definitions are applicable:
 - (A) Donor refers to an employee donating leave to the Leave Sharing Program eligible employees in need.
 - (B) Recipient refers to an employee receiving the donated leave under the Leave Sharing program from donor.
 - (C) Family Medical Leave Act (FMLA). An employee of ASCC is eligible for FMLA leave if he or she has been worked employed for the College at least one year and has worked at least 1250 hours during the previous 12-month period. FMLA leave is a job protected unpaid leave for up to a total of 12 weeks. However, the employee may substitute appropriate paid leave if the employee has accrued annual and sick leave, of up to a total of 12 weeks in a given 12-month period. In addition, eligible employee may take job-protected, unpaid leave or substitute appropriate paid leave if the employee has accrued it, for up to 26 workweeks in a single 12-month period to care for a covered service-member with a serious injury or illness.

(D) Leave Sharing Criteria

- i. The program covers employees certified with a serious illness or injury that requires care of a physician through inpatient or home health care or defined under the Family Medical Leave Act. The medical certification must designate the employee as the caregiver.
- ii. The program does not include normal pregnancy, minor illness, family matters (fa’alavelave), or conditions resulting from any occupationally-related accident or illness and for which Workers’ Compensation benefits have been awarded.
- iii. An employee must be absent 10 consecutive working days in order to be an eligible recipient for Leave Sharing. This leave may be retro during current month and an employee (recipient) will not be reinstated back to payroll unless he or she has received enough donated hours to cover the period of absences.
- iv. To ensure that the leave sharing policy provides accordingly between donors and recipient the following criterion shall apply for consideration:
 - a) Exempt employee or professional employees who are salaried employee(s) earning \$35,568 per annum or more are not eligible to attain leave from non-exempt employees. In addition, salaried employees who earns \$19,960 or more are not eligible to attain leave from employees who earns less than \$19,960 per annum.
 - b) Maximum amount of annual or sick leave that can be shared by any one donor per twelfth (12) month period should not exceed eighty hours (80) per calendar year. The determination date of leave balance is based on the approved date of leave by the President.
 - c) Recipient shall utilize all their accrued leave balance before leave sharing policy can apply. In addition, recipients can only receive a maximum of 240 hours from all donors from within the twelfth (12) months period.

4500l Professional Development Leave

ASCC is committed to providing quality instructions and services to the community. To this end, the important of an on-going professional development program for instructional and administrative personnel is essential. The following guidelines are provided to implement the provisions of the Professional Development Leave Policy, ASCC.

- 1. Professional development leaves shall not be granted for purposes traditionally associated with sabbatical leaves, i.e., those related to scholarly accomplishment and contribution to knowledge within disciplines or fields of study. By contrast, they shall be directed to enhancement of the effectiveness of the educational processes of the college; improvement of the professional

performance of employees in carrying out assigned responsibilities; and, retraining and reorienting employees for new roles within ASCC.

2. The duration of a professional development leave shall be governed by the requirements of the proposed activity, but shall not exceed one calendar year. Normally a leave shall not be granted for a period of less than one academic term.
3. The work of a person who is granted professional development leave shall, during the period of the leave, be absorbed by the unit to which he or she is assigned.
4. An application for professional development leave shall present a precise description of the purpose of the leave; the activities to be pursued; and, the nature of anticipated additional financial assistance outside the college, if any. It shall also include a statement that the applicant recognizes an obligation to return to ASCC for a period of service at least equal to the leave, if granted.
5. The application and supporting materials, if any, shall be submitted to the immediate supervisor of the applicant, i.e., to the Chairperson, or Dean, or, in the case of administrative staff personnel, to the Officer.
6. At each level of review, the appropriate administrative officer shall append a statement of approval or disapproval together with reasons for such determination, and shall notify the applicant of the action taken. The Vice President concerned shall notify the applicant of the final decision.
7. The President will grant approval, the department or other unit to which the applicant is assigned shall initiate the necessary change of assignment.
8. Persons who are granted professional development leaves for pursuing a program of study leading to credit either at ASCC or at other colleges or universities shall submit official transcripts or work accomplished. Such transcripts shall be submitted to the appropriate supervisor at the conclusion of each academic term in which the recipient of professional development leave is enrolled.
9. Those persons who are granted professional development leave for serving internships or participating in other forms of in-service professional training, which do not carry academic credit, shall submit periodic progress reports to the appropriate supervisor, in accordance with a schedule to be determined at the time leave is granted.
10. The recipient of a professional development leave shall, at the conclusion of such leave, and in no case later than six months following completion, submit a written report to the appropriate supervisor.

4500m Bereavement Leave

One to five days, at the discretion of the President, may allow for a death in the immediate family of a full-time career service employee of ASCC. Criteria for amount of time off allowed encompass a variety of factors, including but not limited to, the need for off-island travel and responsibility for handling, funeral arrangements.

Up to two days at the discretion of the President, may allow for a death of specific other family members. This includes the following: son/daughter-in-law, mother/father-in-law, brother/sister-in-law, grandfather, grandmother, aunt and uncle.

In the event of a death of a significant other, close personal friend, or relative not listed in the immediate family, the employee may request immediate leave time of up to five days at the discretion of the President, or chargeable to annual leave.

4501a Advanced Annual and Sick Leave

1. An employee may draw upon anticipated annual and sick leave credits if current credits are exhausted. This request shall be made to the President with these requirements and limitations:
 - (A) The advance will be made based upon anticipated accrual of credits up to 30 leave days. If the employee has a planned termination date, which will affect the accrual, the number of days, which can be advanced, will be reduced accordingly.
 - (B) The advance will not be authorized automatically. The following factors will be considered prior to approval.
 - i. History of annual and sick leave usage.
 - ii. Certification from medical doctor on fitness to return in a reasonable time.
 - iii. In the best interest of the college and employee served through this action.
 - iv. Circumstances warranting continuing employment allowing the employee to earn annual and sick leave credit. Length of service, performance record, essential nature of services, and circumstances beyond their control should be cited (pregnancy do not generally qualify).

4501b Sick Leave Advances

An employee may draw upon anticipated sick leave credits if current credits become exhausted. The request shall be made to the President within these requirements and limitations:

1. The advance will be made based upon anticipated accrual of credits up to 30 leave days. If the employee has a planned termination date which will affect the accrual, the number of days which can be advanced will be reduced accordingly.

2. The advance will not be authorized automatically. The following factors will be considered prior to approval:
 - (A) Has the employee been wise and careful in the use of leave in the past?
 - (B) Does the doctor show the employee will be able to return to work in a reasonable time?
 - (C) Are the best interests of the agency and the employee served through this action?
 What are these special circumstances which warrant continuing this person's pay on the chance he or she will return to work and earn the sick leave credit? Length of service, performance record, essential nature of services, and circumstances beyond their control should be cited (pregnancy cases do not generally qualify).

4503a Leave without Pay

Leave without pay is a temporary absence from duty in non-pay status granted upon the employee's request and at the discretion of management. The permissive nature of leave without pay distinguishes it from absence without leave (AWOL), which is a non-pay status resulting from a period of absence for which the employee did not obtain advance authorization or for which his or her request for leave has been denied. It shall be the practice of ASCC to grant leave without pay only when it will be of mutual benefit and interest to the agency and to the employee. Leave without pay shall not be granted for the purpose of an employee participating in private employment.

1. Administrative Discretion.

The granting of leave without pay is a matter of administrative discretion. Employees cannot demand that they be granted leave without pay as matter of right.

 - (A) ASCC departments must assure that each request is of such value to the agency or the serious needs of the employee as to offset costs and administrative inconveniences of the position of the employee is on leave without pay.
 - (B) Extended leave without pay beyond 30 may not be approved unless there is assurance that the employee will return to duty and that at least one of the following benefits will result:
 - i. Improved work performance and ability;
 - ii. Protection or improvement of employee's health;
 - iii. Retention of a desirable employee; and
 - iv. Furtherance of a program of interest to the agency.
2. Extended Leave Without Pay

Extended leave without pay requires the prior approval of the President when properly justified by the department submitting such request. Extended leave without pay will be granted in the following circumstances.

 - (A) Attendance at a recognized institution of higher learning or a technical school, pursuing a course of instruction which is related to the employee's field of work:
 - (B) Travel and/or research which will impart knowledge, skills, and/or abilities required in the employee's work:
 - (C) Extended illness with a positive prognosis, or family or personal problems, an end of which can reasonably be predicted:
 - (D) To work for another agency of ASG or another government on a loan basis, where there is no agreement under the Inter-governmental Personnel Act. The request for the services of the employee must be made through the Governor's office, in writing.
 - (E) To serve a required period of military service beyond the 15 days which are authorized for pay purposes? The military duty must be for periods of time not to exceed one year and must be categorically mandated, as in the basic training period required for a recruit in the Armed Forces reserves. Leave cannot be granted for voluntary extensions or re-enlistments:
 - (F) To protect employee status and benefits when an employee is injured and his or her case is being adjudicated or he or she is receiving benefits under worker's compensation.

4503b Political Leave

Leave without pay is granted to any government employee for the purpose of campaigning as a candidate for public office in American Samoa for a period beginning 30 days before and ending 10 days after the date set for election.

4503c Military Leave

1. General Provisions

A full-time employee who serves under an appointment without time limitation and who is a member of a reserve component of the Armed Force of the United States, the U.S. Public Health Service, or the National Guard is entitled to leave of absence

for annual military training without charge to annual leave, or loss of pay of service credit, for not more than 15 workdays in any calendar year. The reserve components of the Armed Forces include the reserves of the Army, Navy, Air Force, Coast Guard, and Marine Corps etc. The National Guard includes the accompanied by appropriate military orders.

2. Maximum Military leave is limited to a maximum of 15 workdays during each year, regardless of number of training periods in a year, and whether taken intermittently, a day at a time, or all at one time.
3. Use of Annual Leave
Absence which is not chargeable to military leave can be charged to annual leave. Therefore, employees who are called to duty for a period longer than the fifteen (15) day period chargeable to military leave can use annual leave for additional absence.
4. Contract Employees.
Contract employees who are members of the Armed Forces reserve components shall be granted military leave in accordance with the provisions of this section.

4503d Excused Absence

1. Excused absence is absence from duty duly authorized by the President, without charge to annual leave or loss of pay or service credit, under the circumstances described below:
 - (A) To take an employment examination for a position currently occupied or one to which the employee may be promoted or reassigned, not to exceed 3 hours;
 - (B) To take a physical examination required to determine continued employability;
 - (C) To obtain treatment for an injury sustained in the performance of duty. The employee may be excused for the balance of the day on which the injury occurred;
 - (D) To be unavoidably or necessarily absent from duty or less than one hour or for being tardy;
 - (E) To donate blood to the American Red Cross in American Samoa or in emergencies to individuals from the time necessary for such donations, not to exceed 4 hours, provided that employee does not receive pay for blood;
 - (F) To participate in emergency rescue or protective work at the request of local or territorial officials;
 - (G) To participate in federally recognized civil defense programs for a reasonable length of time up to 40 hours in a calendar year;
 - (H) To vote and register. An employee who desires to vote or register in an election or in a referendum on a civic matter in his or her community may be granted time off without loss in pay or service credit or change to leave as follows:
 - i. The employee may be allowed 2 hours of excused absence at the beginning or end of the workday.
 - ii. An employee may be excused for such additional time as may be needed to enable him or her to vote, depending upon the circumstances in the individual case, but not to exceed a full day. Time off in excess of one day shall be charged to annual leave or if annual leave is exhausted, to leave without pay.
 - iii. An employee who votes in a jurisdiction which requires registration in person may be granted time off to register substantially on the same basis as for voting except that no such time shall be granted if registration can be accomplished on a non-workday and the place of registration is within a reasonable one-day, round trip travel distance of the employee's place of residence;
 - (I) To serve as witness or juror when summoned involuntarily by the court, provided he or she returns to duty immediately upon release by the court. However, if the employee's appearance in court is in his or her own interest, either as appellant, defendant, or witness, leave of absence with pay, without pay, or compensatory time off must be documented. An employee called as a court witness in his or her government or of a private party, is in an official-duty status;
 - (J) When working conditions or extenuating circumstances exists beyond the control of management, not to exceed a maximum grant of 4 hours. Excused absence in this category should normally not exceed 4 hours. However, it may be extended for the duration the conditions or circumstances such as when inclement weather prevents reporting to work.

4503e Excused Absences Notification

1. Approval – Vice President(s) and President may approve an absence without pay, with benefits continuation for a period not to exceed two weeks. An absence without pay would be for reason noted in policy.
2. Employee Responsibility – An employee should give the supervisor advance notice of absence whenever possible. A Leave of Absence without Pay Notification, ASCC HR 4504 (10/06) must be completed and approved by the Dean or Director or

Officer of the Department or Division; a copy must be submitted to the Human Resources Division, and the Office of the President.

- (A) An employee who is unable to work must notify his/her supervisor not the Security personnel of ASCC before the regular work shift begins or, at the latest, within 30 minutes, so arrangements can be made to cover essential activities. ASCC policy and law required accurate reporting of attendance. Absences are recorded on employees' time sheet, or leave report.
- (B) Absence from work without notification to the supervisor or another member of the Department may be considered job abandonment and voluntary termination.

4503f Unauthorized absence

Unauthorized absence shall be treated as absence without pay and may be grounds for disciplinary action.

4505a Worker's compensation recipients

1. Earning of Credits.

An officer or employee who is absent from work because of injuries/illness incurred within the scope of his or her employment and who is receiving workers' compensation wage loss replacement benefits, such as temporary total disability and temporary partial disability payments, shall continue to earn vacation and sick leave credits as though he or she was not absent but performing the duties of his or her regular employment.

2. Use of Credits.

(A) An employee with accrued sick leave credits who is absent from work and who is receiving workers' compensation wage loss replacement benefits shall be entitled to receive an additional amount, charged sick leave, which would bring his or her total payment to a sum equal to the employee's regular salary.

(B) In the event the employee does not have any accrued sick leave credits, he or she may elect to use accrued annual leave credits to bring his or her total payment to a sum equal to the employee's regular salary.

(C) An employee is entitled to use the sick or annual leave credits earned during the period of absence from work.

4506a Holidays – Designated - Proclamation

1. The following public holidays are designated by statute and are paid holidays for agency employees:

- (A) New Year's Day, January 1;
- (B) Washington's Birthday, the third Monday in February;
- (C) Good Friday, the Friday before Easter;
- (D) Flag Day, April 17;
- (E) Memorial Day, last Monday in May;
- (F) Independence Day, July 4;
- (G) Manu'a Islands Cession Day, July 16;
- (H) Labor Day, the first Monday in September;
- (I) Columbus Day, the second Monday in October;
- (J) Veteran's Day, the second Tuesday in November;
- (K) Thanksgiving Day, the fourth Thursday in November;
- (L) Christmas Day, December 25;
- (M) Martin Luther Day, 3rd Monday in January.

2. Other holidays may be established by Governor's proclamation.

4506b Holidays – Day Observed

Holidays shall be observed as provided below:

1. For employees with workdays on Monday through Friday, if a holiday falls on:

- (A) Saturday, it is observed on the Friday preceding the holiday;
- (B) Sunday, it is observed on the Monday following the holiday;
- (C) Workday, it is observed on that workday.

2. For employees with workdays other than Monday through Friday, if a holiday falls on a:

- (A) Day off, it is observed on the first workday after the day off;
- (B) Workday, it is observed on that workday.

4508a ASCC Employees eligible to receive Retirement Benefits

All employees of ASCC are eligible to receive retirement benefits through the ASG Employee Retirement Plan, according to provisions of the Plan as specified by Chapter 7.14 ASCA.

4509a Purpose of incentive Awards

It is the policy of ASCC to provide a method which affords recognition of exceptional skills, resourcefulness or exceptional acts of employees. The purpose of the incentive awards program, therefore, is to provide avenues by which recognition may be afforded an employee or a group of employees who make suggestions which, when adopted, will save time and/or materials for the agency, thus reducing costs, and to provide recognition of employees who perform special acts or services in the public interest which reflect favorably on the image and reputation of the agency.

4509b Budgeting – Incentive awards Committee – Award approval Authority

1. It is the responsibility of the business/finance manager, after consultation with department heads and the President, to budget annually a specified fund for payments of cash awards under the program.
2. It is the responsibility of a representative committee, known as the incentive awards committee and consisting of at least 3 but not more than 5 members appointed by the President, to serve on a rotating basis to:
 - (A) Investigate and evaluate contributions for improving ASCC operations, as well as other incentive award proposals, and to recommend their approval or disapproval to the President on the basis of a simple majority opinion;
 - (B) Encourage supervisors and their subordinates to participate in improving the efficiency and economy of ASCC operations.
3. It is the responsibility of the chairman of the incentive awards committee, who is a member of the ASCC management staff, to:
 - (A) Receive and review proposals and nominations for clarity and merit, prior to acceptance by the incentive awards committee for evaluation and subsequent authorized action;
 - (B) Develop ways and means of stimulating interest and participation in the incentive awards program on the part of both employees and management.
4. Authority for final approval of all cash awards shall rest with the President.

4509c Superior Performance Award

A cash award may be made when a career service employee's or contact specialist's performance over a 6-month period substantially surpasses the normal requirements of his or her position or he or she performs a special assignment in above average manner without adversely affecting his or her regular work, provided he or she is nominated in writing, within 6 months of the period of performance in question, by an appropriate supervisor, and such nomination is endorsed and submitted to the chairman of the incentive awards committee by the head of the employee's department.

4509d Special act or Service Award

A special act or service may be contributed during an emergency, in connection with a special program or activity, or by creative efforts important to administration, science, or research and characterized as a non-recurring situation. Any employee is eligible to be considered for a special act or service cash award, provided he or she meets the criteria described in this section and he or she is nominated not more than 6 months after the completion of the special act or services concerned, in writing, and such nomination is endorsed and submitted to the chairman of the incentive awards committee by the head of the employee's department.

4509e Group Awards

When a contribution has been made by more than one employee or by a group of employees, all who have contributed, including supervisors, may share equally or proportionately in the group cash award; however, the total amount of the award is as if made to an individual. Where individual shares of such group cash awards committee shall determine the amount of the award.

4509f Tenure Award

Effective on and after January 6, 1980, employees who are awarded service certificates will also receive a tenure award in cash as follows:

1. (1) Twenty-year certificate \$500
2. (2) Thirty-year certificate \$750
3. (3) Forty-year certificate \$1,000
4. (4) Retirement certificate \$100

4509g Operator of the month Award

The ASCC Advisory Committee, consisting of all managers and supervisors, recognizes an employee each month as Employee of the Month. The Advisory Committee uses two forms to evaluate employees, a daily report and a weekly inspection report.

J. Classification and Pay Administration

4600a Establishment of System

In keeping with the objectives of the American Samoa Code Annotated, the President shall develop and maintain an agency-wide classification and pay system based on objective, consistent, and timely classification of all positions within the agency and shall apply reasonable and consistent assignment of positions to pay grades so as to compensate employees in the equitable relationships to each other and to contribute to the attraction and retention of employees. The system so established or any portion thereof may be extended to non-civil service positions as required by law or for good of the agency.

4600b Wage Schedule Applicability and Bases

The classification and compensation plan of ASCC shall provide for separate segments: The general schedule (GS) which applies to the “white collar” positions and which is based on “equal pay for substantially equal work.”

The teacher grade schedule (TS) which applies to teachers and which is also based on “equal pay for substantially equal work.”

4601a Compliance with Fair Labor Standard Act provisions on Exempt Threshold

To ensure that employees are correctly classified so that required overtime payments are paid accordingly to the federal administrative exemptions:

1. Ensure to shift positions from salary to hourly if needed based on threshold and notify and document the change for each employee on when, why and how their pay structure will be altered. Also refer to ASCC pay-scale classification of placement.
2. Ensure that necessary time tracking systems are in place to comply with recording keeping.
3. Train and inform regularly hourly employees on time tracking.

4602a Position Classification System

The President shall develop and maintain a position classification system which shall provide for the placement of each position into an appropriate class. This includes:

1. The establishment of written class specifications which describes each of the various classes within the classification plan in terms of the nature, variety, and level of duties and responsibilities, and the minimum qualifications required to perform adequately;
2. The establishment, revision, or abolition of classes in order to maintain the plan on a current basis;
3. The establishment of official class titles;
4. The changing of any position from one class to another class whenever warranted by significant change in position duties and responsibilities or class definition, or to correct an error;
5. The auditing of positions in order to ascertain that current positions are correctly classified.

4602.1a Effective Date of Actions

1. The effective date of an initial classification action shall be the date action is officially taken to classify the position.

- The effective date of any subsequent classification action shall be the beginning of the pay period immediately following the date of notice of action, except that the date may be adjusted by the President in the event an incumbent fails to meet the qualification of the class, for budgetary reasons, or for other good cause.
- The effective date of a classification action when a classification and/or compensation survey is initiated by the President shall be the date action is officially taken, or such other date as the President deems practicable.

4602.1b Administrative Review

As administrative review may be requested by an employee or designated representative or by the department head within 20 days after the effective date of the classification or reclassification action.

- The request for administrative review must be in writing and shall contain the specific reason(s) for disagreement with the classification action of the President, and shall state the action requested and the reason the requested action is deemed more appropriate.
- A request for administrative review must be received no later than ten days from the date of the notice of classification.
- The President shall take appropriate action to review the classification and shall notify the department of the final decision.

4602.2a Position Descriptions

- ASCC shall maintain current position descriptions covering each classified career and contract service position authorized in the agency. Each supervisor is responsible for reviewing the descriptions of respective division.
- When duties of a position change, the divisional administrator proposes the changes for review as to college established occupational classification. ASCC utilizes the Human Resources Division Standard Operating Procedure on Position Review to document any necessary changes and procedures for approval.
- One copy of each position description shall be furnished to the Division, and to the Human Resource Division for usual official personnel record.

K. Salary Administration

4603.1a Pay Schedules

- The General Pay schedule (GS) shall be as follow (effective December 07, 2020; revised August 24, 2021):

American Samoa Community College
 2021 Proposed General Pay Schedule
 Last Update: 08/24/2021 - Revisions include Minimum Wage and ASG Matching
 4th Revision
 ASCC GENERAL PAY SCHEDULE (GS)

GS	Bonus:	Increment	Entry 1: $\mu\lambda\mu\lambda\mu\lambda$ Qualifications					Entry 2: Satisfactory/Experience					Entry 3: Highly Qualified					
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	
19	5000							95,000										
18	1500		68,964	70,464	71,964	73,464	74,964	75,464	76,964	78,464	79,964	81,464	82,964	84,464	85,964	87,464	88,964	
17	300		59,604	60,904	62,204	63,504	64,804	68,964	70,264	71,564	72,864	74,164	75,464	76,764	78,064	79,364	80,664	
16	1170		54,924	56,094	57,264	58,434	59,604	63,114	64,284	65,454	66,624	67,794	68,964	70,134	71,304	72,474	73,644	
15	1170		50,244	51,414	52,584	53,754	54,924	57,264	58,434	59,604	60,774	61,944	63,114	64,284	65,454	66,624	67,794	
14	1170		45,564	46,734	47,904	49,074	50,244	51,414	52,584	53,754	54,924	56,094	57,264	58,434	59,604	60,774	61,944	
13	1040		35,412	36,452	37,492	38,532	39,572	40,612	41,652	42,692	43,732	44,772	45,812	46,852	47,892	48,932	49,972	
12	1040		30,212	31,252	32,292	33,332	34,372	35,412	36,452	37,492	38,532	39,572	40,612	41,652	42,692	43,732	44,772	
11	1040		25,875	26,915	27,955	28,995	30,035	31,075	32,115	33,155	34,195	35,235	36,275	37,315	38,355	39,395	40,435	
10	910		20,477	21,387	22,297	23,207	24,117	25,027	25,937	26,847	27,757	28,667	29,577	30,487	31,397	32,307	33,217	
09	780		18,340	19,120	19,900	20,680	21,460	22,240	23,020	23,800	24,580	25,360	26,140	26,920	27,700	28,480	29,260	
08	650		16,650	17,300	17,950	18,600	19,250	19,900	20,550	21,200	21,850	22,500	23,150	23,800	24,450	25,100	25,750	
07	520		15,532	16,052	16,572	17,092	17,612	18,132	18,652	19,172	19,692	20,212	20,732	21,252	21,772	22,292	22,812	
06	520		15,080	15,600	16,120	16,640	17,160	17,680	18,200	18,720	19,240	19,760	20,280	20,800	21,320	21,840	22,360	

Exempt Employee Threshold: \$ 33,568

ASCC TEACHER PAY SCHEDULE (TS)

TS	Bonus:	Increment	Entry 1: $\mu\lambda\mu\lambda\mu\lambda$ Qualifications					Entry 2: Satisfactory/Experience					Entry 3: Highly Qualified				
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15
09	4000	814															
08	3000	814															
07	2000	814															
06	1000	814															
05	0	814	55,343	56,157	56,971	57,785	58,599	59,413	60,227	61,041	61,855	62,669	63,483	64,297	65,111	65,925	66,739
04	0	814	51,273	52,087	52,901	53,715	54,529	55,343	56,157	56,971	57,785	58,599	59,413	60,227	61,041	61,855	62,669
03	0	814	45,557	46,371	47,185	47,999	48,813	49,627	50,441	51,255	52,069	52,883	53,697	54,511	55,325	56,139	56,953
02	0	814	35,810	36,624	37,438	38,252	39,066	39,880	40,694	41,508	42,322	43,136	43,950	44,764	45,578	46,392	47,206
01	0	814	25,227	26,041	26,855	27,669	28,483	29,297	30,111	30,925	31,739	32,553	33,367	34,181	34,995	35,809	36,623

- Pay schedule placement:
 - Initial Appointment
 - All initial appointments shall be made at the first step of the appropriate pay range of each of the two salary schedules except that, in the event that recruitment of an employee is not practicable at the first step, the

President may, after appropriate notice and advertising, recruit at any step within the pay range which will attract qualified candidates.

- ii. Requests for payment above the minimum may be made by department heads prior to or at the time of appointment but in any event must be made no later than sixty (60) days after date of appointment date. Requests received after the date of appointment, if granted, will not be granted retroactively.

(B) Reassignment

- i. An employee who is reassigned shall receive the same rate of compensation as he or she presently receives, except that in case of a reassignment from one salary schedule to another salary schedule, the pay rates governing initial appointment shall apply.

(C) Reinstatement

- i. When an employee is reinstated within a year of separation from ASCC or government service, he or she may be paid at any rate within the pay range which does not exceed his or her highest previous rate of pay, provided that where such rate falls between two steps of the grade to which reinstated, he or she may be paid at the higher step.
- ii. The rules governing initial appointment shall apply only when an employee eligible for reinstatement has been separated for at least one year from ASCC or government service.
- iii. Recruiting Veteran
An employee who meets the requirements for reemployment as specified in the Veteran's Preference Act of 1944, as amended, and who is re-employed in his or her former position, shall have his or her rate of pay set at the step he or she would have received and his or her service with ASCC or the government continued. If re-employed in a different position, the pay governing appointment shall apply.

4604.1a Step-increment increases for length of service-Pay Schedule Structure

1. ASCC career service employees are entitled to an annual step-increment increase at the beginning of the pay period immediately following his or her service year preceding such increase. Increments are allowable based on the classification range (minimum and maximum pay) of the position.
2. A service year is 52 weeks of continuous service on his or her present grade and step, which shall include credit for leave without pay:
 - (A) To pursue a course of instruction approved by the President which is related to the employee's area of work;
 - (B) To recuperate from an injury for which worker's compensation weekly payments are made;
 - (C) For military service when so provided by territorial or federal law; and
 - (D) For any other authorized purpose but for no more than 10 workdays.
3. The compensation for an employee, denied an increment because of substandard performance in his or her job in the service year preceding, may subsequently be increased as of the date his or her performance has been brought up to standard and has so continued for a 3-month period. His or her increment anniversary date will be adjusted accordingly.
4. Ninety days prior to each employee's step-increment due date, a notice will be sent to the employee, his or her department head, and immediate supervisor. This notice will call for the submission of an annual employee performance evaluation, which must be completed and returned to the President and the Human Resources Office for record keeping. ASCC will use the established Employee Performance Evaluation Form.
 - (A) If the performance evaluation is satisfactory or better, the employee will receive a step-increment.
 - (B) If the performance evaluation is unsatisfactory, a written note must be submitted to the Human Resources Office 60 days prior to the date the increment is due. Payroll will be notified not to affect the increment.
 - (C) If no performance evaluation is received, no increment will be processed.
 - (D) When the date of promotion and the periodic step-increment date coincide, the periodic increment shall be made prior to the promotional increase.

4605a Overtime-Compensatory Time

1. Applicability- This section applies to all career service employees and certain contract employees whose contracts permit overtime or compensatory time, with the exception of employees in second or third jobs.
2. General Provisions.

- (A) Every employee is entitled to receive cash pay or time off in lieu of cash for overtime work, as provided in these regulations.
- (B) Each workweek shall stand alone; “averaging” of hours over 2 or more weeks is not permitted.
- (C) Workweeks shall be 40 hours in a fixed and regularly recurring period of 168 hours, in 7 consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. Once the beginning time of any employee’s workweek is established, it shall remain fixed until changed. A change intended or designed to evade the overtime requirement is prohibited.
- (D) Overtime compensation policies shall not be waived by any agreement between a supervisor and an employee.
- (E) Overtime must be requested and approved in advance. Overtime authorization requests are prepared by the department supervisor and must be approved by the President.
- (F) Cash Pay for Overtime. Employees in grades GS 1-11 are eligible to be compensated in cash for overtime at the rate of 1-1/2 times their regular rate of pay for all hours worked in excess of 8 per day or 40 per week. The President may authorize compensatory leave in lieu of cash, upon mutual agreement with the employee. This leave will be authorized at the rate of 1-1/2 hours of leave per overtime hour worked.
- (G) Higher Grades. Employees in grades GS-13 above, or whose grade is XX are not eligible cash pay for overtime work. They may be compensated for work beyond 8 hours per day or 40 hours per week on an hour-for-hour basis.
- (H) Hours Worked. “Hours worked”, in general, includes all the time an employee is required to be on duty or on the government premises or at a prescribed workplace and all time during which he or she is “suffered or permitted to work”.
- (I) Training and Meetings. Attendance at lectures, meetings, training programs, and similar activities will not be counted as hours worked beyond the scheduled workday or workweek. If attendance is outside the employee’s regular working hours and is required by the President, overtime or compensatory time may be awarded if otherwise applicable.
- (J) Semiannual Payoff. Compensatory time earned should be taken within 60 days of the pay period in which it was earned. Departments are responsible for monitoring the accumulation of compensatory time. Any balance of compensatory time in excess of 120 hours will be paid to the employee at his or her regular time rate during the last pay period of June and December of each year.
- (K) Separation. Employees leaving ASCC employment shall be compensated in cash for accumulated, documented overtime by the agency.
- (L) In the event of death of any employee, his or her accumulated overtime shall be paid to appropriate persons provided by these regulations.
- (M) Records. ASCC is responsible for keeping appropriate records of hours worked and leave earned, used, accrued, or any other approved actions of its employees.

4605b Shift Differential

1. Each department which has responsibilities requiring work around the clock will set up three (3) shifts; the normal morning to afternoon is known as the “day shift”; the beginning in the afternoon into the evening is known as the “swing shift”; and the late-night shift to morning shift is known as the “graveyard shift”.
2. Employees regularly scheduled to the “swing shift” receive an additional \$.15 per hour for each hour of work on that shift.
3. Employees regularly scheduled to the “graveyard shift” receive an additional \$.25 per hour for each hour of work on that shift.
4. The shift differential is given only when the employee actually works on either the swing shift or the graveyard shift. If, for any reason, an employee assigned to either the swing or graveyard shift fails to work that shift, taking either annual or sick leave, he or she does not receive the extra \$.15 or \$.25 for that shift.
5. On the other hand, if an employee employed on any shift is forced to work two (2) shifts in one day. The employee should not receive the extra shift differential but must be paid the overtime of time and a half. For example, (1) an employee, regularly scheduled to work the day shift who is required to continue work on the swing shift because of absence of the regularly scheduled swing shift employee, is entitled to 1-1/2 times his or her regular day shift pay. (2) An employee regularly scheduled to work the swing shift who is forced to continue to work on the graveyard shift because an employee failed to show up, is entitled to 1-1/2 times his or her swing shift rate.
6. An employee regularly scheduled to work the graveyard shift who continues to work the day shift because an employee failed to show up is entitled to 1-1/2 times his or her graveyard shift rate.

4608a Timesheet

Timesheets are required by the American Samoa Community College to document, record adherence and accountability to Fair Labor Standard Act (FLSA) of working hours, and accepted as a binding legal document for service, following Human Resources Division Standard Operating Procedures. Employees are responsible to ensure that his/her timesheet is accurate and affixed with proper signatures for validation.

Chapter VI: Site Facilities Governance Policy Statements

A. College Facilities and Property

6000a Display of Flags

Flags include Territory of American Samoa, United States of America and the American Samoa Community College must be raised and flown daily by six o'clock in the morning and retired at six o'clock in the evening. The College will abide to any official memorandum issued and approved by the President which requires the flags to be raised half way.

6100a Use of College Facilities

All requests for the use of any College facility are subjected to the required form(s) processes and the approval of the Vice President Administration and Finance, and President.

6101a Use of College Property / Removal of College Property from College Premises

The College shall ensure that all personnel adhere to the use of college assets and removal of any assets from its premises.

To avoid misuse or misapplication of the property, equipment or ASCC employees, the administration, faculty, staff and students shall be prohibited from:

1. Making personal use of any College owned or leased vehicles, equipment, materials, or services
2. Rendering services other than for or on behalf of the College during regular working hours
3. Using College facilities for any work or business that may directly or indirectly lead to personal gain.

Any violations to this regulation will result in disciplinary actions following the College's human resources processes.

6102a Use College Owned Vehicles and Equipment

College-owned vehicles are to be used exclusively for College's related activities. The College may maintain vehicles to accommodate, to the extent possible, the transportation needs of students and staff on College's business.

All Administrators are required to submit a list of employees whose job description requires them to perform transportation services using college vehicle annually to the office of Vice President of Administration and Finance for accountability prior to the submittance to the President's final approval.

The following rules apply to all ASCC owned or ASCC leased motor vehicles and other self-propelled equipment.

1. All ASCC vehicles or equipment are to be used for official business only.
2. No ASCC vehicles shall be issued to any employee of the agency who does not have a valid driving permit, and no other self-propelled equipment shall be issued to any person other than a qualified operator of the equipment.
3. No passengers or riders are to be transported unless they are on official ASCC business or are employees of ASCC.
4. A valid driving permit must be in the driver's possession at all times while operating an ASCC vehicle.
5. All accidents and traffic citations must be reported by the driver or operator to his or her immediate supervisor within 24 hours of the accident or citation.
6. Any department permitting an employee without a valid driving permit to drive as ASCC vehicle shall be held responsible for any damage or liability incurred as a result of an accident in which such employee is involved.
7. Employees using ASCC vehicles after hours are required to fill out an after-hours usage request with the Office of the President.

Requirements:

1. All requests for personnel approving for driving must have served a one-year probationary period or a one-year contract term.
2. Employees approved to drive college vehicles are fully responsible for any damages caused by negligence and will cover cost for damages incurred that is not covered under the College's vehicle insurance.
3. Any incident or damage(s) to any college vehicle is subjected to be reported to the Security Office for reporting purposes.
4. Transporting of College students or non-personnel: Students and non-personnel of the college are required to complete a release of liability form when transported in college vehicles. All liability forms are monitored by the Security Officer.
5. Violations: Any violations to this regulation will result in disciplinary actions following the College's human resources processes. Violations may include but not limited to:
 - (A) Making personal use of any College owned -vehicles;
 - (B) Rendering services other than for or on behalf of the College during regular working hours in college vehicles;
 - (C) Using College vehicle for any work, business, or political activities that may directly or indirectly lead to personal gain or interest.

6110a Physical Facilities Planning and Reporting

The Vice President of Administration and Finance will compile a quarterly report submitted to the President that includes the following sections:

1. Building assessments
2. Calendar of major and minor project renovations
3. Grant funded project statuses
4. Plans for new capital improvement projects
5. Comprehensive Maintenance Plan update – Physical Facilities Plan

6110b Capital Improvement Plans and Construction

The Physical Facilities Management Officer is held accountable for the planning, implementation, and evaluation of all capital improvement plans and projects to ensure compliance with approved contract specifications.

6111a Annual Physical Report

Annual report of all MOU and MOA documentations is presented to the BHE (archives).

6111b Contractual Services

Contractual services (procuring procedures for renovations and construction of facilities).

6112a Comprehensive Physical Plan

A five-year comprehensive maintenance plan is developed and presented to the BHE. The comprehensive maintenance plan must coincide with the 5-year Institutional Strategic Plan.

6130a Quarterly Comprehensive Maintenance Plan

A quarterly report is compiled to assess the utilization of resource and utilities services based on the Institutional Strategic Plan and Comprehensive Maintenance Plan.

6140a Custodian and Maintenance Program

The Physical Facilities and Management Officer shall establish and maintain custodial and maintenance system and procedures which provide sanitary and safe conditions through the College.

6150a Procedures for Emergency and Evacuation Plans

The College Emergency and Evacuation Plans is updated annually and distributed to the College to all ASCC personnel and posted on ASCC website.

B. College Campus Safety and Security

6200a Campus Safety

All level of management has a primary responsibility for the safety and well-being of all employees including students. This responsibility can be met only by working continuously to promote safe work practices among all employees and to maintain property and equipment in safe operating condition.

Safety is primarily an operating function, and the Security Officer is the key person to this safety program because the PFM Officer is directly responsible for facilities management. Likewise, no foreman, supervisor, or individual employee may ever be relieved of appropriate responsibility for safety.

Safe practices on the part of all employees must be part of all operations. No job shall be considered efficiently completed unless the worker has followed every precaution and safety rule to protect the worker, fellow workers, and the public.

6210 Campus Security

Campus Security are charged to ensure the safety of all College constituencies throughout the working day. Campus Security will assure that all vehicle parking and drop-off areas are not congested to limit unnecessary traffic.

Campus Security will ensure that all College constituencies adhere to the assigned drop-off areas and cross walk areas for pedestrians. Security assigned to the designated zones with identified vehicle entrances will closely monitor all vehicle drop-off and parking areas to lessen unnecessary traffic, accidents, and parking areas.

Vehicles of staff faculty, and students in violation of the marker areas (parking, drop-off, and crosswalk) will be documented and communicated to the appropriate College administrator.

6210.1 Security of Buildings

To maintain proper security, all buildings shall be cleared and external doors locked after dismissal of last class and following periods of scheduled activity in individual buildings on weekdays and holidays. All College personnel must leave buildings by designated closing times unless they have received permission from the Department Program Officer, Program Director, Officers, Dean, Director, Vice President, or President to remain on the premises or are able to demonstrate to the Security Officer that they are engaged in legitimate College related activity. In any case, campus security shall note in the Security Log the name and location of any College employee who remains in a building after the scheduled time of work. This includes special events such as meetings, and other community gatherings held on campus.

6210.2 Identification Requests

Campus Security are authorized to request to see the identification of any person on campus property, whether the person is an employee or non-employee, student or non-student. Any College employee or student who refuses to comply with a campus security officer's request for identification is subject to immediate removal from the College premises or disciplinary action as defined by the College.

6210.3 Traffic Control

The Security Division also referred to as Campus Security is responsible for monitoring all roadways and parking facilities on ASCC property. When traffic congestion develops on campus, campus security shall be responsible for directing traffic until the congestion is cleared.

6210.4 Vehicle Stops

On-campus drivers who violate posted speed or traffic-control signs may be stopped on College property only, for the purpose of identification or to issue a warning/citation.

6210.5 Permittable Parking

Automobile decals for parking in staff or student lots are issued by the Security Division, which maintains two parking-decal logs, one for students and one for staff, each containing the following information: decal number, name and social security number to the person whom the decal was issued; make; model; year; and license number of the vehicle.

6210.5a Decals

An initial maximum of one parking decal shall be issued to each person. Lost decals shall be reported in writing to the Security Division and shall be replaced at the discretion of the Security Officer and at a fee determined by the Vice President of Administration and Finance. When a motor vehicle bearing a College parking decal is sold or traded, the decal shall first be removed and notification shall be made to the Security Division that the vehicle is no longer entitled to park on campus. If the decal cannot be removed or if the

decal number is not clear on the portion that has been removed, the person to whom the decal was originally issued shall notify the Security Division of the number so that it may be deleted from the authorized list in the parking-decal log. When a staff member acquires a new vehicle, a parking decal for that vehicle will be issued by the Security Division at no charge. When a student acquires a new vehicle, he/she will advise the Security Division so the license number and make of the vehicle can be registered in the log.

6210.5b Disability Parking

Any College constituent with specified disabilities may obtain decals that permit them to park in zones restricted to disability individuals. These decals are obtained from the American Samoa Government – Office of Protection and Advocacy for the Disabled (OPAD).

Chapter VII: Financial and Procurement Governance Policy

A. Accounting

7000a General Accounting

The Finance Department is responsible for accounting for American Samoa Community College financial activity in accordance with Generally Accepted Accounting Principles (GAAP) as promulgated in the Audit Guide for Colleges and Universities and per Board of Higher Education policies and guidelines. The following shall be required under this policy:

1. Accounts will be maintained and reports prepared on accrual basis on when required by the President or the Board.
2. Revenues will be recorded when earned.
3. Expenditures will be recorded when materials or services are received or when an obligation or the impairment of an asset has occurred.
4. The Finance Department under the Chief Financial Officer is responsible for maintaining a system of internal controls adequate to safeguard ASCC assets.

7000.4a Returned Checks

To facilitate resolution and collection of all payments made to the college, all returned items are to be logged and attached to the supporting details for the specific payment. All returned checks are charged no less than \$35 handling fee.

7000.4b Blank Check Control

The Department of Finance shall establish and maintain a control record of the receipt and use of blank check stock drawn on the payroll, general, or financial aid funds which has accounting responsibility. This record must be maintained by the control clerk who cannot also be the storage custodian. The record must be detailed enough to show the use and final disposition of each check number for the sequences received.

7000.4c Issuance and Return of Blank Checks

The storage custodian is responsible for establishing and maintaining a blank check stock control sheet for each shipment of blank checks received to record the delivery date and inclusive check sequence numbers for each shipment of blank checks received. All numbers missing from the sequence also must be entered on the control sheet when a shipment is received. The date and the signatures of the persons issuing and receiving blank checks must be recorded for each such transaction. In addition, the date and inclusive sequence numbers must be recorded for all unused checks returned to stock after issuance. When blank checks are returned to the storage custodian, verification of the last check written must be made to ensure that the sequence is maintained.

7000.4d Voided or Canceled Checks

1. Voided or canceled checks must be thoroughly defaced by prominently imprinting the work “VOID” or “CANCELED” with a rubber stamp across the payee’s name area. Both voided and canceled checks must be retained until completion of the external audit for the year in which they were defaced.
2. The checks numbers of all voided or canceled checks and the date of the action must be reported in writing to the accounting office control clerk for entry in the control record under the heading “VOID/CANCELED.” A written report of voided and/or canceled checks during processing is included as a transmittal document or the check signer report to the Chief Financial Officer.

7000.4e Stop Payment Cancellations

The Financial Officer is responsible for maintaining a process to effect the stop payment of issued checks, the cancellation of returned checks or the re-issue of stale date checks. Stop payment request should be communicated or delegated in writing to an accounting office staff member, with a copy provided to the bank for information and guidance. The bank’s acknowledgement of the stop payment order should be sent to the ASCC Chief Finance Officer.

Cancellation of a check will be effected only after the General Accounting Manager receives a written request stating the reason for cancellation, accompanied by the check that is to be cancelled.

Replacement of checks, if and when deemed appropriate, will be issued in 7 to 10 business days. In no instance will a check be reissued until either (a) Payroll received written notification from the bank that a “stop payment” order is in effect, or (b) the check to cancel is received by the payroll division.

7000.4f Storage of Paid, Voided and Canceled Checks

Paid checks returned with the bank statements must be kept, along with any voided and canceled checks, in locked storage until completion of the external audit for the year in which they were written. These checks maybe accessible only to the accounting officer or his/her designated alternate (ordinarily, the staff member assigned responsibility for reconciliation the revolving fund account).

7000.4g Paychecks Not Claimed by Payee

Unclaimed checks will be held in payroll and distributed to the employee upon their return to ASCC. The payroll division will not mail checks or advices or to an employee's home on a routine basis. Limited exceptions will be made in emergency situations.

The accounting staff division will periodically review paychecks that are being held in the payroll. A letter will be sent to current address notifying employee of unclaimed pay check. The employee must claim their pay check after presenting an official identification card.

B. Investment

7004a Investments

The Finance Division is responsible for the accounting and reconciliation of all investment transactions. All investment income, gains or losses will be recorded in total monthly, with bank statements providing detail support of transactions. Investment income will be recognized on an accrual basis.

C. Internal Controls

7005a Internal Control

1. Construct and maintain books, records and accounts which, in reasonable detail, accurately.
2. Establish and maintain a system of administrative controls which promotes operational efficiency and effectiveness, and ensures adherence to College's policies and procedures. These controls include, but are not limited to, budgets, schedules, job assignment and monitoring sheets, policy and procedure manuals, organization charts, job descriptions, employee training programs, fixed inventory, purchases, and various quality controls.
3. Establish and maintain an adequate system of internal accounting control sufficient to provide reasonable assurance that:
 - (A) Transactions are executed per ASCC policies, President's, or management's general or specific authorization.
 - (B) Transactions are recorded as necessary: (a) to permit the preparation of financial statements in conformity with generally accepted accounting principles and the College's financial and accounting policies; and (b) to maintain accountability for College's assets.
 - (C) Access to assets is permitted per President's or management's general or specific authorization.
 - (D) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

7005.1a Design of Internal Control System

The Finance Division and Procurement must establish and maintain a system of controls which meets the minimum requirements as established by ASCC Internal Control Rules and Regulations. A properly functional system of controls improves the efficiency and effectiveness of operations, contributes to safeguarding College assets and identifies and discourages irregularities, such as questionable or illegal payments and practices, conflicts of interest activities and other diversions of ASCC assets.

7005.1b Documentation of Internal Controls

Internal control systems must be documented. The nature and extent of documentation will depend upon the operating environment of each business functions, and may take various forms including, but not limited to:

1. Written controls and standard operating procedures.
2. Formalized reporting responsibilities with the activity and descriptions of authority and responsibility. These may be in the form of organization charts, job descriptions and/or narrative.
3. Control objectives and control techniques which contribute to the achievement of those objectives.
4. Flowcharts of systems with the identification of key control points.
5. Support for decisions regarding the implementation of controls, preferably in a cost-benefit format.

7005.1c Administration of Internal Control

The President with the support from the Financial Officer via the Vice President of Administration and Finance is responsible for the application of this College Regulation and the design development, implementation, documentation and maintenance of a system of internal controls within his/her area of responsibility. Additionally, unless otherwise specifically stated in the policy, all personnel engaged in activities affecting the adequacy of controls are subject to provisions of this policy.

Internal control standards shall be promulgated as addenda to this regulation to aid in its implementation. These standards present standard control objectives which, when met, provide reasonable assurance of maintaining adequate system of accounting control over the various cycle activities and transactions. Comments and recommendations from any operating unit regarding this control regulation and the internal control standards shall be directed to the Chief Financial Officer.

7005.1d Review and Evaluation of Internal Controls

The President will appoint in writing an Internal Control Audit committee from the College to review and measure the effectiveness of the controls established within the framework of this policy as they relate to ASCC's accounting, financial and operating systems. The purpose of these reviews is to:

- (A) Ascertain the reliability and integrity of accounting, financial, and operating information and the means of generating and reporting that information;
- (B) Ensure that systems comply with ASCC policies, objectives, standards and procedures, and with federal and local laws and regulations.
- (C) Evaluate computer-based systems in production, in development or undergoing change, and evaluate systems development process and computer operations.
- (D) Evaluate the adequacy of methods used to safeguard ASCC assets.

The Internal Control Audit Committee assists management by furnishing impartial, independent analysis, appraisals, recommendations and pertinent comments in written reports to the Dean, Vice presidents or the person responsible for the entity under review, as well as the Finance Officer, Vice presidents, and the President.

7005.3a Reserve Funds

The College will establish and maintain a minimum of five percent (5%) reserve of local funds from the current fiscal year to ensure financial stability of the reserve funds. The authority to maintain the availability of reserve funds and its utilization rests with the authority of Board of Higher Education and the President.

D. College Assets

7006a ASCC Assets Defined

This Regulation defines the parameters for capitalizing assets.

Plant Assets – Capitalized plant assets include Land, Land Improvements, Buildings, Building(s) improvements, Fixed Equipment, Moveable Equipment, Software, Library Acquisitions, Artwork, Donated Collectibles, other assets, and other expenditure which meet the criteria.

Land – The cost to be capitalized as land includes all cost connected with the acquisition of the land. These costs include but are not limited to the cost of the land, appraisals, professional services, title insurance and other miscellaneous fees and costs associated with the acquisition.

Land Improvements – Land improvements eligible for capitalization include the cost of landscaping infrastructures, utility systems and outdoor public recreational fields and facilities in excess of \$50,000.

Buildings – The cost to be capitalized as a building includes associate costs related to the acquisitions or construction of the building. Acquisition costs include but are not limited to the cost of the building, professional services, appraisals, title insurance and other miscellaneous fees and costs associated with the acquisition. Construction costs include but are not limited to the cost of professional services, test borings, materials, and site preparation.

Building Improvements – Building Improvements to be capitalized are significant alterations or structural changes that cost in excess of \$100,000 or represent more than 20% of the net book value of the building and increase or amend the usefulness, enhance efficiency or prolong the useful life of the building for a period of greater than one year.

Equipment – Equipment to be capitalized refers to an item of non-expendable tangible personal property with a useful life of more than one year, a cost in excess of \$5,000 per item, excluding freight charges and taxes, and the College has title to the asset. Equipment may be moveable or fixed. In addition, acquisition of individual items of software with an acquisition cost of \$5,000 or more will be considered a capital asset. Software also includes major systems which are purchased from an outside vendor or internally developed by the American Samoa Community College.

- Moveable equipment – refers to equipment which can be easily moved from one area to another.
- Fixed equipment – refers to equipment which is attached or permanently fastened to a building that cannot be removed without costly or extensive alterations to the building or area to which it is affixed.

The Finance Division is responsible for capitalization of all plant assets per applicable accounting pronouncements. The Procurement Division in keeping inventory for all plant assets has this primary responsibility. All capitalized plant assets regardless of funding source, will be recorded.

7006b Inventories of Materials and Equipment

The Procurement Division is responsible for accounting for inventory at ASCC. This responsibility is delegated to those maintaining inventories. Departments with inventories will be responsible for maintaining detailed inventory records. These records must be reconciled quarterly to the accounting system. A physical inventory will be conducted and reconciled to the detailed inventories. All adjustments resulting from a physical inventory must be recorded in the accounting system immediately. Departments are responsible for identifying obsolete inventory which must be written-off when identified. Purchase of inventory items will be made through the Procurement Division unless otherwise authorized by the President or Vice President(s). Inventory items should be maintained at levels which reflect prudent business practice.

7007a Procurement Management

All equipment obtained by ASCC, including equipment purchase through grants or sponsored projects is subject to ASCC procurement management policies.

1. The safeguarding and use of moveable equipment assigned to the Department is the responsibility of the department dean, director, officer and Vice president(s).
2. The use of College's equipment for personal or private use is prohibited.
3. The use of ASCC property at an off-campus location must be approved in writing by the President or Vice president(s). The Procurement Officer must be notified in writing of any assets used at an off-campus location. Damaged or loss of equipment shall be paid by the employee responsible.
4. The procurement manager is responsible for maintaining a permanent detailed record of all fixed and moveable equipment owned by the College including sponsored programs acquisitions and equipment gifts.

7006.1a Sale or Disposal of Property or Equipment Above \$5,000

Property with an individual value of \$5,000 or more shall have a written report for the President's review and approval of its survey before disposal through auction, sale or other means determined by the President.

E. Budget

7007a Budget

The Chief Financial Officer will make changes in the budget after consultation with the President and approved by the Board.

7007b Budget Transfers

If the department or account manager recognizes that unexpected expenses or unusual events will cause their department to overspend a budget line item, the department must request a budget transfer by means of a "Budget Transfer Request Form" via the Chief Financial Officer and approved by the President of the College.

7007c Budget Transfer Restrictions

The following budget transfer restrictions apply and require prior approval of the:

1. Board of Higher Education for transfer of \$ 11,000 or more;
2. President for transfer \$ 10,000+; for Transfers involving capital outlays and contingency, departmental budget transfers between functions (for example from Instruction to Administrative)

F. Payroll

7008a Payroll – General

The President is responsible for all matters related to academic staff compensation and is the only College official authorized to approve academic staff compensation payments.

Compensation: Salary

1. Faculty on a 10-month appointment shall be paid their salary in twelve equal monthly payments. For faculty performing services during the summer months is earned and paid per credit at the rate stated on their class contract.
2. For faculty, administrators, and academic support staff, salary is earned and paid biweekly, consistent with the term of appointment and/or services provided and per the ASCC pay schedule. Annual base salary is earned and paid over the fiscal year in twenty-six (26) biweekly payments.
3. Increments, reclassification, promotion merit or scale increases are considered incremental adjustments to the annual salary, and are paid in each subsequent month at a rate equal to one-twelfth of the increased amount.
4. Lump sum payments, in conjunction with a specific compensation program, may be made with verification of the HR Officer and the Chief Financial Officer via the Vice President of Administration and Finance and final approval by the President.
5. Temporary hourly support staff compensation is earned on an hourly basis and paid every two weeks at the employee hourly wage rate stated on their contract.

Compensation: Extra Compensation and Overtime

1. Payment of all extra compensation must be made through ASCC's payroll system. All non-exempt employees must be paid for service per Fair Labor Standard Act.
2. Request for services which will result in extra compensation requires prior approval by the President of the College, Vice president(s), Department dean/director/officer, Financial Officer, and Human Resources Officer. Approved payment will be made in the next regularly schedules payroll cycle.
3. Requests for payment must be made using the appropriate form designated by the Finance Division. A justification for the amount to be paid and an explanation of the additional service provided must be attached.

7008b Salary and Wage Payments

The Finance Division is responsible for ensuring that salary or wage payments made to an employee are appropriate accordingly to Chapter 4 policies and regulations as established by Human Resources and approved by the Vice President(s) and President for faculty, staff, contract specialist, and personal services consultants.

ASCC will make salary or wage payments only by electronic deposit to an employee's bank account, *and issue* only by check if requested in writing by the employee.

7008c Payroll Deductions and Reductions

Deductions from regular pay checks are effected and in compliance with governmental regulations and that voluntary deductions are effected per employee election. The Finance Division will withhold from the pay check of each employee all statutory tax deductions. These include, but are not limited to Federal, local income tax and social security (F.I.C.A) taxes. The Finance Division is responsible for disbursing amounts withheld from employee's paychecks to governmental or other agencies per statutory regulations or executed agreements.

7008e Payroll Cycles

- (A) Payroll shall be processed on a bi-weekly salary basis. The department shall submit timesheets when due to ensure paychecks are prepared on a timely manner. If the department fails to submit their timesheets to Human Resources on the schedule date, paychecks will not be distributed on payday for those late submission.
- (B) Departments are responsible for processing appropriate payroll actions (time, reporting, changes in pay amount, terminations, etc.) in a timely manner, and per the scheduled of due dates established by the Finance Division.
- (C) The Finance Division is responsible for establishing the annual schedule pay date for the College. In the event of a disaster, fire, computer malfunction or any other event which is beyond the control of the Finance Division the College reserves the right to pay employees on other than the regularly scheduled pay date, including payment to employees via check when normal method of payment is direct deposit.

7008f Retroactive Pay

Employees are entitled to a retroactive payment if the effective date of a salary increase precedes the beginning of the current pay period. Retroactive payments will only be made with the proper authorization (303) from Human Resources. Retroactive payments normally will be included in the employee's next regularly scheduled paycheck. Exemptions require the approval of the Chief Financial Officer.

7008g Overpayments

The employee is responsible for reporting to the Finance Division which shall establish a process to recover the funds from the employee's next paycheck or a schedule payment of deductions.

7008h Time Reporting

1. Time reported for pay purposed may include but is not limited to the following categories: regular hours worked, paid holidays, earned vacation, or sick leave taken.
2. Time worked and absences normally will be reported after-the-fact. If reporting deadlines require an employee to estimate time worked to the end of the reporting period, adequate control shall be maintained to ensure that appropriate adjustments are made for differences between estimated and actual time worked.
3. Employees shall maintain records of any overtime worked each day. For employees in classes eligible for premium overtime, overtime worked must be designated either as overtime earned at the time and a half -rate or as overtime earned at the premium rate. Similarly, compensatory time off records must distinguish between compensatory time off for overtime earned at the time and a half rate and compensatory time off for overtime earned at the premium rate.
4. Daily attendance and job time records, including sick leave and vacation accrual records, shall be maintained on a formal and current basis. Individual attendance and job time records shall be approved by the employee's supervisor and shall not be returned to the employee after supervisory approval.
5. Prompt notification must be made to the Human Resource Office to prevent improper payments to employees, who have been terminated, demoted, placed on leave without pay, or otherwise placed in any status under which full standard pay is not to be received.

7008i Departmental Check and Direct Deposit Earning

Statement Distribution

1. Payroll checks and direct deposit earnings statements shall be distributed in accordance with earnings disposition forms signed by the employees, within the distribution options provided by ASCC policy.
2. Checks and earnings statements awaiting distribution to employees shall be kept in locked storage accessible only to a check custodian and an alternate who have been formally assigned responsibility for the checks and statements.
3. Custodians who release checks or earnings statements to employees not known to them shall require presentation of proper identification before checks or statements are released.
4. When a check or earnings statement is released to someone other than the payee, the
5. Custodian shall:
 - (A) Require proper identification,
 - (B) Require an authorization signed by the payee to release the check or statements, and
 - (C) Obtain a signed receipt (check released slip) which will be retained by the custodian.
6. College Personnel may request the Department of Finance to deposit his/her check in a local banking installation only if they are off island. Requesting employee must provide:
 - (A) A deposit slip for each check prior to payday
 - (B) Information concerning where the check stub and deposit slip are to be sent
7. If personnel wish to have checks mailed to them, they must provide the College with a self- addressed, stamped envelope for each check. This also applies to students who may not be on campus when their paychecks are prepared. Any employee who distributes payroll checks and earnings statements shall not be authorized to approve payroll documents or to review the Distribution of Payroll Expense reports.
8. Unclaimed payroll checks and earnings statements delivered to departments for distribution to employees shall be returned promptly to the campus Finance Division with an explanation of the department's inability to distribute the checks or statements.

7008j Review of Distribution of Payroll Expense Reports

As a normal administrative control procedure, departments are expected to review the validity of payroll payments charged or credited to their accounts. Departments shall perform a monthly reconciliation of total salaries paid, as shown on the Distribution of Payroll Expense Report, to total salaries approved pursuant to departmental payroll/personnel records.

1. To assure that all payroll charges are appropriately reviewed, departments are expected to establish necessary internal control procedures. A staff member shall be assigned the task of reconciling payroll expenditures and must document that the monthly review has been performed by signing and dating the Distribution on Payroll Expense Review Report or a reconciliation log (or similar record) maintained for this purpose. The log should record the month and year, full accounting unit, name (printed and signed) of the person preparing the reconciliation, and date. Departments shall maintain the log and make it available for review upon request.

2. An employee who approves payroll time reporting documents and personnel action forms or who distributes payroll checks or earnings statements may not be assigned responsibility for reviewing Distribution of Payroll Expense Reports.

7008k Notification of Employee Termination

The termination shall be effective on the Payroll System as soon as the department becomes aware that employee is terminating. If the payroll termination action is after a payroll cutoff date will result in the employee being overpaid, the department also must immediately notify Human Resources and the Financial Division payroll in writing, of the termination. The Department is also expected to see that all ASCC property is returned by the employee to the appropriate office upon termination. This includes keys, Identification Card, ASCC property in the possession of the employee.

7008l Paid Annual Leave at Separation

An employee who either resigns or is involuntarily separated is entitled to payment of unused and accrued annual leave. The appropriate form must be submitted for payout, and will be calculated per personnel governance policies. In no event may the annual leave payment exceed the annual accrual maximum for any individual. Payment for unused leave will be paid in the pay check for which the appropriate payout is received for processing.

7008m Wage Attachments and Levies

ASCC is required, by law, to execute, with or without the employee's consent, all legal wage assignments such as tax levies, garnishments, notice of child support or other court ordered wage attachments, subject to the terms described in each individual instrument. All wage attachment and levies will be treated with strict confidentiality, and will be handled per ASCC policies of confidentiality of records. An administrative fee will be assessed on each wage attachment, but not to exceed \$20.00.

G. General Travel

7009a Travel Authorization

1. Travel on College business must be authorized in advance by the President and Vice President from specific department travel budget, and is responsible to:
 - (A) Review purpose and justification of travel and make the appropriate approval or denial for travel.
 - (B) Assure that budgeted funds are available to meet all travel commitments.
2. Travel Authorization (TA) form must be used to indicate purpose, justification, and details of travel, as well as all appropriate signatures authorizing travel. Authorization must be obtained before a college employee travels. No employee is authorized to have a vendor charge directly to the College for travel and/or meeting expenses.
 - (A) Upon receipt of TA and supporting documentation (i.e., itinerary), the Department of Finance will process the advance for travel. A check disbursement will be made to the traveling employee for all allowable travel expenses. Travel expenses are subject to the following guidelines.

7009b Per diem allowance – Rates set by ASCC

For any travel or temporary official business away from a permanent duty station in the territory, ASCC's per diem rates are calculated based on the U.S. General Services Administration (GSA) rates: <https://www.gsa.gov>.

7009c Travel Costs and Reporting

1. Travel Authorization (TA) request form must be used whenever an employee of the College travels on official business. The TA form used by American Samoa Community College requires the purpose, justification, and all appropriate signatures to be completed before travel. All TA's must be submitted 30 days prior to date of travel.
2. Air Transportation:
 - (A) Routing. Travel should be by the most direct route available. Class of travel: Air travel shall be booked based on economy class (coach).
 - (B) Vouchers. The original of the traveler's ticket receipt (last copy of ticket) must be attached to the Travel Voucher submitted to the College by the traveler. Copies are invalid.
3. Ground Transportation:
 - (A) Car Rental Approval: Car rental and costs must be explicitly pre-approved on the Travel Authorization. Class of Car. Compact cars are normally to be rented. If not available, the next highest class may be rented, but this fact is to be noted on the voucher.

- (B) Receipts: Traveler's copy of receipt(s) for car rental are to be submitted to ASCC with the Travel Voucher. Taxi/Limo. When taxi/Limo are used, a listing of costs and destinations are to be included on the Travel Voucher. A minimum of one-hundred dollars is provided in advance to each traveler for ground transportation prior to the date of travel. Land transportation costs that exceed one-hundred dollars shall be reimbursed and receipts must be made available in the traveler's required expense report.
4. Lodging Allowable Costs:
 - (A) ASCC travelers will be paid in advance the U.S. General Services Administration (GSA) standard Per Diem Rate for lodging. Lodging costs in excess of U.S. GSA per diem rates must be pre-approved prior to travel and must be noted on the TA and expense report. Excess lodging costs will not be reimbursed if not approved prior to travel by the ASCC Vice President of Administration and Finance. Receipts for excess lodging is required.
 5. Meals Allowable Costs:
 - (A) ASCC travelers will be advanced the U.S. GSA per diem rate for the actual location during travel. Voucher. Travelers are not required to provide meal receipts. No amount in excess of the daily U.S. GSA per diem rate will be allowed.
 6. Travel Advances: College personnel may obtain travel advances for ASCC-related travel.
 7. Per Diem Rates. Per diem rates will be updated annually, based on Federal guidelines available on the General Services Administration.
 8. Reimbursement for Travel: The Board of Higher Education recognizes that employees/board members may be required to travel and or incur expenses in conducting college business.
 - (A) General Provision. ASCC staff members are directed to exercise reasonable and prudent judgment in incurring expenses while carrying out ASCC business. No employee is authorized to have a vendor charge directly to the college for employee personal travel and/or meeting expenses which the employee has incurred.
 - (B) Submitting the Travel Voucher.
 - i. In order for a current TA to be processed, the employee must have filed trip reports for previous travel. The trip report must be filed within thirty (30) days of the occurrence.
 - ii. The employee copy of the travel approval/advance form must be attached to the reimbursable expense report.
 - iii. Vouchers indicating budget accounts are to be approved by the appropriate Dean/Director before submission to the business office.
 - iv. When a voucher is approved the authorized signatory is verifying that the expenditure is in conformance with all procedures and board policies.
 - v. The authorizing signatory has the authority to deny approval if the expenditure does not conform to the college procedures or policies.
 9. The Finance Office will audit all vouchers for conformance with policy and procedures. The Finance Office will verify and correct addition and extension accuracy, and will deny payment for vouchers which are not in conformance with policy and procedure. Denied expenses will be communicated through the authorized signature.
 10. Review of Procedure Steps:
 - (A) Voucher prepared by Traveler
 - (B) Approval or denied by Division Dean/Director
 - (C) Reviewed by Finance Office
 - (D) Approved or denied based on Finance Office review and President review.
 - (E) Receipts are required for all air and ground transportation, and lodging costs in excess of per diem rates for which reimbursement is requested.
 - (F) Reimbursement expenses must be itemized by day.
 - (G) Receipts should be attached for airfare, other than per diem rates of advance per diem. (Excess lodging costs must be approved prior to travel).

(Travel Expenses Report Form is available in the ASCC Finance Office).
 11. Expenses Chargeable to ASCC:
 - (A) Airfare, lodging, and per diem: Normally airfare reimbursement will be made on coach airfare. Lodging costs should not exceed the per diem rate unless otherwise authorized. Meal expenses will be reimbursed in accordance with the per diem rate set by the US Federal Government.
 - (B) Vouchers: Vouchers or lodging statements are required only if the lodging costs exceed the US Federal Government per diem rates. Employees are expected to limit their expenses within the allowed US Federal Government per diem rates.
 - (C) Ground Transportation: Reimbursement for ground transportation, taxis and/or car rentals, may be made on the basis of actual expenses for the meeting date(s) and one day prior and one day after.
 - (D) Mileage reimbursement for the use of privately-owned automobiles will be at the rate established for mileage allowance as published by the American Samoa Government. Revised rates will become effective the first day of the month following ASG announcement or effective date, whichever is later. Rate adjustment will not be retroactive.
 - (E) Telephone calls: Phone calls related to college business may be claimed on a voucher. No phone calls are to be charged to the college on a third-party basis.

12. Expenses not chargeable to ASCC: Barber or beautification, shoe care, personal entertainment, insurance or personal property, travel insurance, misuse of lost credit cards, purchase of clothing or toiletries, normal travel to and from work, loss of personal property, loss of personal funds or cash advances, fines or traffic violations, damages to employee's cars, excess cost of circuitous or side trips for personal reasons, living expenses applicable to days by which the duration of a trip is extended for personal reasons, laundry and valet changes on trips of short duration, gifts, maintenance or repair of personal property, interest charges on credit cards, and expenses for social entertainment meeting between college employees.
13. Reimbursable Expenses for Non-Employees: ASCC recognizes the need to reimburse reasonable expenses incurred by certain non-employees such as consultants, performers, etc., who perform services for ASCC. Advance agreement for such reimbursements must be specified in a contract or letter of agreement before the commencement of services. Reimbursements must be approved by the appropriate authorized administrator before payment can be made. Such approval indicates that the reimbursement is within limitations set by the budget.

7009d Expense Reimbursement Limitations and Receipts

Requirements:

1. Upon completion of travel the employee is required to file a travel expense report. The expense report must be filed within 30 days of completion of travel. The employee copy of the TA, as well as Conference Information, Trip report, and original receipts must be attached to the expense report.
2. In the event that actual travel expenses are in excess of the authorized travel advance, an employee may request a travel expense reimbursement to recover the allowable portion of the excess. Reimbursable expenses must be itemized by day and receipts should be attached for all expenditures.
3. Reimbursement requests are to be approved by the appropriate supervisor before submission to the Department of Finance. When a reimbursement is approved, the authorized signer is verifying that the excess expenditure is in conformance with all procedures and board policies. The authorized signer has the authority to deny approval of expenditures that do not conform to college policies and procedures.

7009e Petty Cash Fund

A petty cash fund refers to a fund of fixed amounts used for making small, emergency expenditures for consumable items only. A request for a petty cash fund is approved by the President. Petty cash funds are subject to audit for the total established amount and must be on hand in the form of either cash or receipts. The custodian of the fund is responsible for the fund and its safekeeping. Receipts of statements that substantiate use of the cash must be on file. The Vice President(s) and President shall authorize unannounced audits to conduct on the petty cash fund.

7009f Fund Replenishment

When replenishment of the fund is needed, department staff must bring receipts to the Department of Finance with an authorization from the appropriate Dean/Director/Officer and Vice President(s) to charge the amount of receipts to the appropriate budget category. Replenishment is processed through the cash disbursement cycle.

7009g Use of Petty Cash

Petty cash may only be used in situations where time and convenience do not allow for the normal procurement process. Such transactions, however, must be handled in accordance with the established petty cash purchasing procedures. Failure to comply could result in expenditures that are deemed unacceptable. Unacceptable expenditures will not be honored by ASCC and in such cases the individual will be held solely responsible and will not receive reimbursement.

7009h Receipt of Cash

All checks received are restrictively endorsed (For Deposit Only to ASCC) immediately upon receipt and examined for the following:

1. Made payable to "American Samoa Community College"
2. Signed and unaltered
3. Pre-printed name agrees with signature
4. Date is correct
5. Numbered amount is correct and agrees with written amount
6. Identification and signature verified against picture ID.
7. Check is drawn on a local bank or off-island

Receipts are verified (by a minimum of two people) and the report is sent to the Finance Division to be recorded.

7009i Deposit of Cash Receipts

All cash and checks received must be deposited with the College on the day of receipt. Cash or checks received over the weekend must be retained or after hours must be deposited immediately into the bank night deposit box. Depositors cannot exchange cash deposits with a personal check. Any loss of cash due to negligence shall be paid by the authorized depositor to include disciplinary action and possible termination.

The Finance Division will assess a current approved fee for any check that is returned unpaid for any reason.

H. Grant Programs and Sponsored Projects

7010a Administration of Grant and Sponsored

All funds received from a grant for research, education or other purposes will be administered through the Finance Department per established ASCC policies and grantor requirements. Any funded project which meets any of the following criteria is considered to be a “grant sponsored project.”

1. The project commits the College to a specific line of scholarly or scientific inquiry, typically documented by a statement of work.
2. A specific commitment is made regarding the level of personnel effort, deliverables, or milestones.
3. Project activities are budgeted, and the award includes conditions for specific formal fiscal reports, and/or invoicing.
4. The project requires that unexpended funds be returned to the grantor at the end of the project period.
5. The agreement provides for the disposition of either tangible property (e.g., equipment, records, technical reports, thesis or dissertations) or intangible property (e.g., inventions, copyrights or rights in data) which may result from the project.
6. The sponsor identifies a period of performance as a term and condition.

7010b Financial Responsibility for Grant and Sponsored Project Funds

The Finance Division will generate and provide monthly statements of project expenditures to the department and the President. It is the responsibility of the department to review the statements for accuracy and completeness and to initiate corrections, when appropriate, no later than 90 days from month end.

7010c Accounting Authority & Responsibility

The Finance Division Grants Accounting Manager, in consultation with the department is responsible for:

1. Establishing and maintaining funds for grant sponsored projects.
2. Enforcing all grantor rules and regulations and ASCC policies governing the financial administration of grant sponsored projects.
3. Establishing rules and procedures to ensure compliance with grantor project agreements, regulations, or other requirements relative to the funding of expenditures and financial reporting.
4. Establishing and maintaining procedures regarding the collection of funds from the department.

7010d Grants and Sponsored Project Budget

The Division is responsible for preparing a budget within the amount of the award as indicated and per any budgetary constraints imposed by the grantor/sponsor. The budget is entered into the financial accounting system and maintained by the Finance Division Chief Financial Officer or designee.

7010e Federal Direct Cost Expenditures

1. The department is responsible for the management and administration of his/her award within constraints imposed by the grantor and per ASCC policies. The department may authorize all expenditures of project funds. In some cases, the terms and conditions of the award may require that the specific grant or contract, of subsequent to the initiation of the project. For grants, many federal agencies have delegated most of these required direct cost prior approvals to ASCC under the “expanded authorities” or “waiver authorities” set forth in OMB circular A-110. ASCC has further delegated the authority to the department, subject to their providing and/or maintaining documentation of the appropriateness of the expense in conjunction with the project, and having applied the factors of allowable, allocation, and reasonableness regarding the cost prior to processing the expenditure.
2. For federal contracts, prior approvals are often required for certain direct cost expenditures, and it is the department’s responsibility to ensure that such approvals are obtained, in writing from the grantor/sponsor before funds are expended. In order for a direct cost to be an allowable cost on a grant/sponsored project, the cost must be:
 - (A) Reasonable. The cost must be necessary for the performance of the award and reflect the action that a prudent person would have taken.

- (B) Allocable. The cost can easily be identified with the project and assigned to the project per benefits received.
 - (C) Consistently Applied. The cost must be accounted for consistently as a direct cost and or facilities and administrative (F&A) costs.
3. The department and grant manager must maintain adequate supporting documentation to relate expenditures to purpose of award.
- A. For Federal project, these costs must meet the following conditions:
 - (A) The cost must clearly be identified in the ASCC approved proposed budget with a detailed explanation provided which justifies the necessity for the costs. In such cases where detailed budgets are not provided to the sponsor/grantor and therefore such costs are not evident, specific prior approval of the President is required. If such costs are determined to be necessary after the award is received and not including in the proposal a determination of allowable must be made by the Grants Manager as well as determining sponsor prior approval requirements.
 - (B) The costs must be specifically identified with the project. Individuals performing administrative or clerical activities can accomplish that through certified effort reports. Examples of “major or project” where direct charging of administrative or clerical staff salaries may be appropriate, but not limited to:
 - i. Projects which involve extensive data accumulation, analysis and entry, surveying, tabulation, cataloging, searching literature.
 - ii. Projects that require making travel and meeting arrangements for large numbers of participants, such as conferences and seminars.
 - iii. Projects whose principle focus in the preparation and production of manuals and large reports, books and technical reports.
 - iv. Individual projects requiring project-specific database management; individualized graphics or manuscript preparation; and multiple projects related to coordinating and communication.

7010f Unallowable

The following costs are unallowable charges to grant/sponsored projects as either direct cost. They must be identified by the general ledger for those expenses.

- Advertising, other than for help wanted or for the procurement of goods or services necessary for the performance of the award.
- Alcoholic beverages
- Bad debt expense
- Entertainment, unless specifically provided for in the award
- Fines and Penalties
- First or Business Class travel
- Goods and Services for personal use, such as automobiles
- Housing and personal living expenses for officers
- Internal interest expense
- Membership in social, dining or country clubs.

In addition to the specific cost listed above, costs associated with the following activities are unallowable direct charges to sponsored/grant projects. They must be identified and accounted for in funds specified for their purpose:

- Alumni activities
- Commencement and convocation costs
- Executive and Legislative lobbying
- Fund raising
- Investment management costs
- Losses on sponsored agreements
- General Public relations cost
- Costs for prosecuting claims against the Federal government
- Restricted fund overdrafts

7010g Time and Effort Reporting

Time sheets specific to time and effort are required to be completed for employees who contribute their service to departments under a grant or sponsored project. This form shall note the time, activities supporting direct effort, and portion of the salary will be charged to the grant (cost center).

7010h Cost Centers

Services provided are charged directly to the appropriate cost centers, including sponsored agreements, based on actual use of the services, through a schedule of cost rate that do not discriminate against federally supported projects for the College. Charges for services provided to cost centers must be made every two weeks, to accommodate accurate accounting and facilitate timely financial reporting of sponsored projects.

7010i Facilities and Administrative Costs

ASCC will charge all sponsored projects Facilities and Administrative costs at the appropriate federally approved rate. The only exceptions to this policy:

- A. Awards from not/non-for-profit sponsors which have stated policy of awarding funds with Facilities and Administrative costs at other than the negotiated rate, e.g., Foundations and charitable organizations.
- B. Other awards which have been specifically approved by the President at a local rate. All waivers of Facilities and Administrative costs on sponsored/grant projects must be approved by the President.

7010j Cost Transfers and Payroll Reallocations

The department is responsible for ensuring that transfers of costs to sponsored/grant projects, which represent corrections of errors, are made promptly. Transfers must be supported by documentation which contains a full explanation of how the error occurred and a correlation of the charge to the project to which the transfer is being made. Explanations such as “to correct an error” or “to transfer to correct project” are unacceptable. Transfers of costs to any sponsored/grant project account are allowable only where there is direct benefit to the project accounting being charged. The transfer of an overdraft of any direct cost item incurred in the conduct of one sponsored project may not be transferred to another sponsored project account merely for the sake of resolving a deficit of an allowable issue. Cost transfers may be made, provided the following conditions are met:

- The cost is a proper and allowable charge to the project.
- The transfer is supported by adequate documentation fully explaining the circumstances under which the error occurred and certified by the Department Director, Dean, Officer and the Chief Financial Officer.
- Transfers which are not made promptly, due to extenuating circumstance, must include an adequate explanation why there was a delay.

7010k Cost Sharing and Matching

This policy is established for the identification, funding, accounting, and reporting of cost sharing or matching requirements in conjunction with a sponsored/grant project:

Types of Cost Sharing:

1. Mandatory: Costs which are either required by the terms of the award or by federal statute that ASCC must contribute toward the project in order for an award to be made.
2. Voluntary Committee: Cost associated with a project, which has been identified in the proposal, but for which funding has not been requested from the sponsor/grantor. Some common examples include: A. percentage of effort for employee included in a proposal budget for which compensation is not requested; and the purchase of equipment for the project, identified in the proposal, for which funds have not been requested.
3. Voluntary Uncommitted: Cost associated with a project and not funded by the sponsor/grantor, which has been identified in the proposal, or in other communication to the sponsor/grantor as a commitment of ASCC. Effort of employee's that is over and above that which is committed and budgeted for in a sponsored/grantor agreement.
4. In-kind: Refers to the requirement of some sponsored/grantor projects that the grantee is responsible for participating in the cost of the project in the form of non-cash contributions.

7010l Participant Support

Participant Support Costs are those paid to, or on behalf of, participants or trainees in meetings, conferences, symposia, and workshops, when there is a category for Participant Support Costs in the award budget. Support Costs may include registration fees, travel allowances, manuals and supplies, tuition, stipends and other costs associated with supporting the cost of attendance at these events. Participant Support Costs pertain only to those projects that are funded specifically for the purpose of supporting the meeting themselves; costs associated with general travel and similar costs incurred on other grants, even when related to attendance at conferences or meetings the bring people together for professional exchange, are classified as travel costs on those individual awards, and are not Participant Support Costs.

In order to include Participant Support Costs on sponsored projects, applicants and awardees must receive prior approval from the sponsor. Participant Support Costs are generally granted for specific projects, and agencies may restrict their use to specific programs. Indirect costs are not provided on participant support costs, and must be excluded when calculating the Modified Total Direct Cost base on a federal sponsored project.

If a federal sponsor awards such Participant Costs, the following apply:

- The sponsor will not allow re-budgeting from the participant support cost category into other expense categories without prior approval.
- Any additional categories of Participant Support Costs other than those described in the Uniform Guidance 2 CFR Part 200 must be justified in the budget justification, and such costs will be closely examined for adherence to sponsor requirements.
- The College must return any unexpended participant supports to the sponsor.

When a sponsored project includes Participant Support Costs, the principal investigator and administrative support personnel are required to be familiar with the specific requirements as set forth by the sponsor, and to ensure compliance with those requirements. Evidence of attendance of participants in the form of daily logs or similar documentation must be maintained within the projects' records.

Appendices:

Appendix A: Standard Schedule of Disciplinary Offense and Penalties

7.01 General Statement

The Standard Schedule of Disciplinary Offense and Penalties (Annex “A”) is provided as a guide in the administration of discipline. Since the schedule is of the utmost concern to all employees conspicuous posting is required. The Standard Schedule provides uniform code of penalties for a reasonably complete list of offenses. The range of penalties is provided to give flexibility in dealing with particular situation. In general, after consideration of all circumstances, the penalty assessed should be the minimum which may reasonably be expected to correct the employee and maintain discipline and morale among other employees.

7.02 Purposes

The purpose of the Schedule is:

- (1) To provide a measure of uniformity in imposing penalties consistent with individual differences and the nature of the position held.
- (2) To develop generally on the part of employees a clearer understanding of what constitutes reasonable cause for disciplinary action.
- (3) To provide a standard and uniform basis for disciplinary offenses and penalties and to support management in its administration of disciplinary matters.

7.03 Application

In applying the Standard Schedule, the following instructions and guides are provided:

- (1) Use of Standard Schedule in presenting charges – When presenting charges to the employee, a blanket statement from the Schedule should not be used. Use only the parts which describe the employee’s actual conduct and leave out parts which do not apply. For example, if an employee used abusive language which was not obscene, he should be charged with abusive language only and not with Offense No.23 in its entirety. If the reason for the contemplated disciplinary action cannot be described in terms of an offense from the Schedule, it should be possible to state the reason in terms of regulations or rules of general conduct which have been violated or damage to or interference with management operations resulting from the employee’s action. The factor of willful negligence should be avoided, as willfulness is difficult to establish. Generally, the question of willfulness may be discarded if the fact of negligence, failure or dereliction of the employee is established.

7.04 Combination of Offense

The Schedule provides for disciplinary action in the case of a combination of any of the offenses listed. However, the preferment of more than one charge for single offense (example: “Sleeping and loafing”), is prohibited. In such cases, the more appropriate offense should be used and the proper penalty assessed. Where the infraction covers a combination of two or more normally unrelated offenses (example: “intoxication” and “insubordination”), charges covering each offense should be preferred and a heavier penalty than that prescribed for any one such offense may be assessed.

7.05 Reckoning Period

The Standard Schedule provides for a reckoning period or specific interval of time, after an offense occurs. A repetition of the offense within the period calls for a more severe penalty as determined by the circumstances. Reckoning periods are not cumulative. The commence with the occurrence of the offense and expire absolutely at the end of the period of time specified for the offense. To identify the offense as the first, second, or third within a reckoning period, review the record and determine if the employee has committed a like offense during the period, occurring just prior to the current offense.

7.06 Letters of Reprimand

The Standard Schedule provides for a letter of reprimand as the minimum penalty for all offense. A copy of each reprimand shall be placed in the official personnel folder of the employee concerned. Reprimands may be considered in determining disciplinary action taken at later dates. The letter of reprimand should not be confused with written warnings as used with performance ratings or with other adverse correspondence such as used in cases involving abuse of sick leave.

7.07 Suspensions

The Standard Schedule provides for suspensions of varying lengths of time for all offenses. Suspension penalties are applicable to work days only.

(1) Deferred Suspension

Deferred suspensions help reduce lost time and may be suitable in some circumstances. If a suspension is deferred, it is held in abeyance during the reckoning period, contingent upon satisfactory conduct of the employee. When a suspension is deferred, the employee should be told in writing of the specific conditions under which it will be held in abeyance. (Note: A deferred suspension shall not be used as a PROPSSED disciplinary measure).

(2) A deferred suspension

May be invoked when a subsequent offense of any kind occurs during the reckoning period. The suspension may be summarily carried out if the employee does not have permanent status. If he does, and the proposed disciplinary action for the current offense is Demotion or Removal, the employee must be advised by written notice proposing disciplinary action as a result of the current offense. If a current is not established, a deferred suspension should be considered a letter of reprimand.

7.08 Demotions

The Standard Schedule provides that, where appropriate, consideration may be given to demotion as a disciplinary penalty in lieu of removal. Normally, demotion should be taken as a disciplinary measure only in cases involving supervisory personnel.

7.09 Demotions

The Standard Schedule provides that, where appropriate, consideration may be given to demotion as a disciplinary penalty in lieu of removal. Normally, demotion should be taken as a disciplinary measure only in cases involving supervisory personnel.

- (A) The Standard Schedule provides that penalties for disciplinary offense will, in general, fall within the ranges indicated. However, in unusual cases, depending upon the gravity of the offense and the past record of the employee, a penalty, either more or less severe than the maximum or minimum range provided for in the schedule may be imposed. If an employee's record or past disciplinary offenses is considered in assessing the penalty for a current offense, the employee must be so advised of this fact in the advance notice proposing the adverse action or in the notice of adverse action if no advance notice is required. Not more than two years of an employee's past disciplinary record shall be considered in such connection.
- (B) Depending upon the severity of the offense, removal proceedings may be instituted against an employee for any four offenses committed in any 24 months period which include two or more offenses of the Standard Schedule or for the fourth occurrence of the same offense within the reckoning for that offense.

**Appendix B: Standard Schedule of Disciplinary Offenses and Penalties
for Employees of The American Samoa Community College
Procedures for use of Schedule**

**8.01 Procedures
Nature of Offense
Actions**

- (1) This is not a list to cover every possible type of offense. Penalties for offenses not listed will be prescribed as consistent with penalties for offenses of comparable gravity.
- (2) Many of the items listed on this schedule combine several offenses in one statement, connected by the word “OR”. Therefore, when drawing up charges, use only that part of the applicable item on the schedule which actually describes the offense under consideration. Do not use the word “OR”, in a charge; usage of this word in a charge makes it nonspecific.
- (3) Penalties for disciplinary offenses will, in general, fall within the ranges indicated. In unusual circumstances, depending on the gravity of the offense, the past record, and the position of the employee, a penalty either more or less severe than the MIN or MAX range, provided for herein, may be imposed.
- (4) Depending on the severity of the offenses, removal proceedings may be instituted against an employee for any four offenses committed in any 24 months’ which include two or more offenses of this schedule, or for the fourth occurrence of the same offense within the reckoning period of that offense.
- (5) Reckoning periods are not cumulative.
- (6) Where appropriate, consideration may be given to demotion in lieu of removal.
- (7) The suspension penalties listed herein are applicable to work days only.

8.02 NATURE OF OFFENSES: RANGE OF PENALTIES FOR STATED OFFENSE
(Reprimands – Suspension – Removal) Number of occurrences in reckoning period

- (1) Unexcused Failure to ring clock or sign attendance record or otherwise check in or out

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 1 day
Second Offense:	Minimum:	Suspend for 1 day
	Maximum:	Suspend for 5 days
Third Offense	Minimum:	Suspend for 5 days
	Maximum:	Suspend for 15 days
	Reckoning Period:	6 months

- (2) Unexcused Tardiness

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 1 day
Second Offense Minimum:		Suspend for 1 day
	Maximum:	Suspend for 5 days
Third Offense	Minimum:	Suspend for 5 days
	Maximum:	Suspend for 15 days
	Reckoning Period:	6 Months
	Remarks:	Disciplinary action is in addition to non-pay status for period of tardiness

- (3) Unexcused or unauthorized absence on 1 or more scheduled days of work

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 5 days

Second Offense:	Minimum:	Suspend for 3 days
	Maximum:	Suspend for 10 days
Third Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
	Reckoning Period:	1 year
	Remarks:	Charge may also be used for failure to report for overtime.

The charge of Excessive Unauthorized Absences with the penalty of removal may be used when the absence is prolonged to exceed 5 working days or when it appears the employee has abandoned his position. Extenuating circumstances offered by the employee should be considered.

(4) Leaving job to which assigned or government premises at any time during working hours without proper permission.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 5 days
Second Offense:	Minimum:	Suspend for 3 days
	Maximum:	Suspend for 10 days
Third Offense:	Minimum:	Suspend for 5 days
	Maximum:	Removal
	Reckoning Period:	1 year

(5) Violating traffic regulations, reckless driving on government premises, or improper operation of motor vehicle: operating or authorizing the operating of, a government vehicle by one not possessing an "Official" license.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 5 days
Second Offense:	Minimum:	Suspend for 3 days
	Maximum:	Suspend for 10 days
Third Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
	Reckoning Period:	1 year
	Remarks:	Driver's permit to operate vehicle may be suspended or revoked, in lieu of other penalty, if recklessness or hazard to others is not involved in offense.

(6) Loafing or wasting time.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 5 days
Second Offense:	Minimum:	Suspend for 3 days
	Maximum:	Suspend for 10 days
Third Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
	Reckoning Period:	1 year

(7) Careless workmanship resulting in spoilage or waste of material or delay in production

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 5 days
Second Offense:	Minimum:	Suspend for 3 days
	Maximum:	Suspend for 10 days
Third Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
	Reckoning Period:	1 year

(8) Failure or delay in carrying out orders, work assignments or instructions of superiors.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 5 days
Second Offense:	Minimum:	Suspend for 3 days
	Maximum:	Suspend for 10 days
Third Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
Reckoning Period:		1 year

(9) Loss of, or damage to, Government property or the property of others, or endangering same, through carelessness.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 10 days
Second Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
Third Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Reckoning Period:		1 year

(10) Gambling or unlawful betting on Government premises.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 10 days
Second Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
Third Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Reckoning Period:		2 years

(11) Covering up or attempting to conceal defective work; removing or destroying same without permission.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 10 days
Second Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
Third Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Reckoning Period:		2 years

(12) Disorderly conduct; fighting; threatening or attempting to inflict bodily injury to another; engaging in dangerous horse-play; or resisting competent authority.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Suspend for 10 days
Second Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
Third Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Reckoning Period:		2 years

(13) Reporting for duty or being on duty under the influence of intoxicants; unauthorized possession of, or attempting to bring, intoxicant on government premises.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 10 days

	Maximum:	Removal
Third Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
	Reckoning Period:	2 years
	Remarks:	Habitual use of intoxicants to excess should be dealt with by Removal rather than lesser penalties.

(14) Selling intoxicants on government premises.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 10 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years

(15) Promotion of gambling on government premises.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years

(16) Sleeping during working hours

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	1 year

(17) Smoking in unauthorized places or carrying matches in explosive areas.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years

(18) Endangering the safety of, or causing injury to, personnel through carelessness.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years

(19) Making false or unfounded statements which are slanderous or defamatory about other employees or officials.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years
	Remarks:	Consider the duties and position of the employee, the nature of the statements made and the extent to which they damage the government or the injured party, the nature and timing of any retraction by the employee, and the extent to which the damaging statements are supported by the established facts.

(20) Malicious damage to government property or the property of others.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years

(21) Actual or attempted theft of government property or the property of others.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years
	Remarks:	Whether or not restitution was made should enter into the determination of the penalty of this offense.

(22) Immoral, indecent, or notoriously disgraceful conduct.

First Offense:	Minimum:	Letter of Reprimand
	Maximum:	Removal
Second Offense:	Minimum:	Suspend for 15 days
	Maximum:	Removal
Third Offense:	Minimum:	Removal
	Maximum:	Removal
	Reckoning Period:	2 years.

Glossary:

- 4.2101** **Applicability of definitions.**
The definitions set out in this chapter apply throughout these regulations, unless the context clearly indicates another meaning.
- 4.2102** **Accrued leave.**
“Accrued leave” means leave earned by an employee during the current calendar year that is unused at any given time during the calendar year.
- 4.2103** **Accumulated leave.**
“Accumulated leave” means unused leave remaining to the credit of an employee at the beginning of a new calendar year.
- 4.2104** **Acting appointment.**
“Acting appointment” means a temporary appointment made to a supervisor or managerial position.
- 4.2105** **Administrative leave.**
Repealed by Rule7-78-3
- 4.2106** **Agency.**
“Agency” refers to ASCC.
- 4.2107** **Annual leave.**
“Annual leave” means authorized absence from duty with pay to allow employees a vacation period for rest and relaxation and to provide time off for personal and emergency purposes. The use of annual leave must be officially authorized prior to being taken.
- 4.2108** **Appeal.**
“Appeal” means a response by an individual to action taken against him or her. The right of appeal extends to such actions as classification decisions, disciplinary actions, actions of alleged discrimination, and such other actions as provided for in these regulations.
- 4.2109** **Appointing authority.**
“Appointing authority” means the person lawfully authorized to make appointments. The appointing authority for ASCC is the President.
- 4.2110** **Apprenticeship.**
“Apprenticeship” means a comprehensive program for training the learner toward a specialized trade or craft under the full responsibility of the employer and on a long-term basis. It includes thorough instruction in the principles and practices of the particular trade or craft as well as in academic and related subjects.
- 4.2111** **Areas of training.**
“Areas of training” is a term used to include the training activities for certain classes of positions, such as clerical, skilled trades, and professional, and for programs of training such as orientation, supervision, and safety.
- 4.2112** **ASG**
“ASG” means the American Samoa Government, as does “the government”.
- 4.2113** **ASCC**
“ASCC” means the American Samoa Community College, as does “the agency”.
- 4.2114** **Assembled examination.**
“Assembled examination” means an examination for which applicants are required to assemble or be physically present at an appointed time and place.
- 4.2115** **Basic salary rate.**
“Basic salary rate” means the dollar amount of the step of the salary range

to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

- 4.2116 Basic training.**
“Basic training” as part of induction, means the fundamental or essential training required for a position.
- 4.2117 Board.**
“Board” means the Board of Higher Education of the American Samoa Community College.
- 4.2118 Bumping.**
“Bumping” means the replacement of an incumbent subject to reduction-in-force by another employee who has greater seniority.
- 4.2119 Career Service.**
“Career Service” means that system of personnel administration based on merit principles which provides for the attraction, selection, and retention of the best-qualified persons for permanent employment. Entry is normally through competitive examination, and formalized channels of advancement and training are provided. Career service covers all employees of ASCC except contract specialists.
- 4.2120 Certificate of eligible.**
“Certificate of eligible” means the official document from which eligibles are considered for employment.
- 4.2121 Certification.**
“Certification” means the process by which the names of qualified eligibles are determined.
- 4.2122 Chairman of the Board.**
“Chairman of the Board” refers to the Chairman of the Board of Higher Education of ASCC.
- 4.2123 Class.**
“Class” means the identification of a position or a group of positions sufficiently similar in duties so that the same requirements of training experience, or skill and the same title, examination, and salary range may be applied.
- 4.2124 Compensatory time.**
“Compensatory time” means time off in lieu of cash payment for over-time.
- 4.2125 Competitive personnel action.**
“Competitive personnel action” means a type of personnel action which can be effected only if applicable competitive procedures, i.e., those governing advertising and examining, have taken place.
- 4.2126 Conference leadership.**
“Conference leadership” means the art of planning, leading, guiding, and directing a conference.
- 4.2127 Conflict of interest.**
“Conflict of interest” means a situation in which an employee’s private interests, usually of an economic nature, conflict, or raise a reasonable question of conflict, with his or her public duties and responsibilities. The potential conflict is a concern whether it is real or apparent.
- 4.2128 Contagious disease.**
“Contagious disease” means a disease requiring isolation of the patient, quarantine, or restriction of movement, as prescribed by health authorities.
- 4.2129 Contract specialist.**
“Contract specialist” means a person who has entered into an agreement with ASCC to perform specified duties and responsibilities for a specific period of time, who is not in the ASCC career service.
- 4.2130 Cooperative education plan.**
“Cooperative education plan” means training in which trainees alternate between periods of formal instruction in educational institutions and guided learning on the job through work experience related to the formal instruction.
- 4.2131 Course of study**

“Course of study” means a training plan having a series of instructional units which have been developed to accomplish a specific training objective.

4.2132 Demotion.

“Demotion” means change of an employee from a position in one class to a position in another class having a lower salary range.

4.2133 Department

“Department” means a division of ASCC headed by a manager appointed by the President.

4.2134 Desirable qualifications.

“Desirable qualifications” means the levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of or above and beyond fixed minimum qualifications.

4.2135 Detail.

“Detail” means the temporary assignment of an employee to a different position for a specified period with the employee returning to his or her regular duties at the end of the detail. Technically, a position is not “filled” by a detail, as the employee continues to hold the position from which detailed.

4.2136 Director.

“Director” means the President of ASCC.

4.2137 Disable veteran.

“Disable veteran” means an individual who has served on active duty in the armed forces of the United States, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Veteran’s Administration or a military department of the United States.

4.2138 Dismissal

“Dismissal” means the termination of employment of a permanent employee for cause of or of a probationary employee as specified in this article.

4.2139 Education

“Education” means the formal impartation or acquisition of knowledge, skill, or discipline of mind.

4.2140 Educational counseling

“Educational counseling” means the act of conferring with a person for the purpose of aiding him or her in making choices and adjustments relating to schools, course, curriculum, and study.

4.2141 Elevation.

“Elevation” means restoration of an employee to the higher classification, with permanent status, which he or she had prior to having been granted a voluntary demotion.

4.2142 Eligible.

“Eligible” means an applicant whose name is on a register of persons who have qualified for a particular class of positions.

4.2143 Emergency appointment.

“Emergency appointment” means an appointment to a position pending the establishment of a register for that class or for emergency reasons, not to exceed 30 calendar days unless extended as provided by these regulations.

4.2144 Employee.

“Employee” means any individual employed by ASCC under the authority of the President.

4.2145 Employee development

“Employee development” means all planned, supervised experience, training, and/or education that enhances the individual’s usefulness as an employee, and promotes his or her work-life growth.

4.2146 Employee relations.

“Employee relations” means the contacts and relationships between management and the employees in an organization.

4.2147 Executive development.

“Executive development” means a plan for the creation of career executives through the systematic development of outstanding employees.

4.2148 First-line supervision.

“First-line supervision” means that level of supervision directly over the rank-and-file or non-supervisory employees and forming the starting point upward for the direct line of authority and communications to top management.

4.2149 Follow up training.

“Follow up training” means attention given to employees after initial training to ensure and facilities their application of new skills and information.

4.2150 Full biweekly pay period.

“Full biweekly pay period” means as follows: An employee shall be considered, for leave purposes, to have been employed for a full biweekly pay period if he or she has been in a pay status, or a combination of pay status and non-pay status, during all of the days within such period, exclusive of holidays and all non-work days established by the Governor.

4.2151 Full-time employment.

“Full-time employment” means regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 and 40 hours per week shall be considered full time.

4.2152 Grievance.

“Grievance” means an employee’s expressed feeling of dissatisfaction with aspects of his or her working conditions and working relationships which are outside his or her control. A grievance is not an appeal.

4.2153 Holidays.

“Holidays” means days set aside to celebrate a religious, state, or other event for which ASCC employees receive time off with pay. Holidays are established by law or are designated by the Governor.

4.2154 Human relations.

“Human relations” means the integration of manpower into an effective operational system. Effective conduct of human relations is based upon good communications, which is transmitting an idea so as to make it understood and motivating to recipient to take the right action. The will to do things is generated by people and without this no productive operation is possible.

4.2155 Human relations training.

“Human relations training” means the development of those techniques, habit skills, and attitudes that will enable individuals to supervise and work effectively with others.

4.2156 Incentive awards.

“Incentive awards” means recognition for employees who demonstrate exceptional resourcefulness of skills or perform exceptional acts.

4.2157 Induction training.

“Induction training” means in service training to familiarize an employee with a new assignment including policies, procedures and other matters affecting conditions of work and safety precautions, performance standards, and other details.

4.2158 In-service training.

“In-service training” means training provided by ASCC for its employees in order to increase their effectiveness in present assignments or to prepare for future assignments using the resources and facilities within the agency and/or within the jurisdiction of the territorial government. The term “staff development” is also used.

4.2159 Institute.

“Institute” is sometimes applied to full-time training programs ranging in duration from a few days to several weeks, utilizing various training methods, and dealing with a limited or specific subject.

4.2160 Internship.

“Internship” means a position or assignment that gives an employee planned work experience as part of a training program, which emphasizes the application of theories, principles, and techniques to operating situations.

4.2161 Intervening salary steps.

“Intervening salary steps” means all increment steps in a salary range except the lowest and highest.

4.2162 Job analysis.

“Job analysis” means:

The process of breaking down a position duty, or task into component parts including what is done, how it is done, and skills and knowledge needed. The technique is used in many phases of management, such as training, placement, classification, and work simplification: (2) The resulting statement of information:

In personnel administration, a complete analysis of all of the job positions in an establishment for the purpose of learning their requirements in terms of ability, and their relationships to each other and to the establishment. It may be, for example, the basis for a program of job evaluation.

4.2163 Job Code.

“Job code” means an eight-digit code designating a class in terms of its status, salary structure to which assigned, grade level, and job family.

4.2164 Job cost.

“Job cost” means the cost arrived at by method of cost accounting which collects charges for material, labor and allocated overhead in the production of a specific order or a finish unit or units.

4.2165 Job evaluation.

“Job evaluation” means a comprehensive determination of the relative worth and importance of all the jobs and positions in an establishment. A typical procedure involves the assignment of values to various job skills and characteristics, and a totaling of these values for each job on the basis of a job analysis. A job evaluation program may be for the purpose of setting wage scales, for determining promotion requirements, for establishing incentives, etc.

4.2166 Job family.

“Job family” means a group of related series of classes of positions such as clerical, personnel, engineering, or education, etc.

4.2167 Job rotation.

“Job rotation” means the procedure of moving workers systematically from their jobs to related jobs as a means of broadening their experience and developing versatility, sometimes called “cross-training”.

4.2168 Job standard.

“Job standard” means the level of performance of a given job taken as a basis of comparison.

4.2169 Journeyman.

“Journeyman” means an individual who has served a formal apprenticeship or has gained substantially equivalent experience over a period of years, during which time he or she has acquired a comprehensive knowledge and high degree of skill in one or more of the recognized trades.

4.2170 Leave without pay.

“Leave without pay” means authorized absence from duty without compensation, exclusive of suspension or absence without leave (LWOP).

4.2171 Leave with pay

“Leave with pay” means authorized absence from duty with compensation.

4.2172 Leave year.

“Leave year” means the period beginning with the first day of the complete pay period in any calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

4.2173 Lecture.

“Lecture” means a method of teaching in which the instructor gives an oral presentation of subject matter, with little or no participation by trainees.

4.2174 Line.

“Line” in a private or public business organization, means the chain of direct command and operational responsibility, as distinguished from staff.

4.2175 Line responsibility.

“Line responsibility” means the ultimate responsibility for effective and efficient performance. This responsibility includes the following functions: making executive decisions; planning, supervising, and testing operations; conducting inspections; maintaining discipline and training employees.

4.2176 Management.

“Management” refers to the processes of planning, directions, and control. One managerial function is that of planning of establishing group or team policies, objectives and programs for the future. A second is organizing the assignment of specializing responsibilities to various departments and levels throughout the entire work team, thus facilitating cooperation and the effective utilization of human and other resources. A third function is usually described as control. Guides and indicators are created to facilitate a continuing check on operations. Through these controls, managers see that what is being done corresponds to objectives and assignments.

4.2177 Manpower.

“Manpower” means the number of men and women available for productive employment.

4.2178 Maternity leave.

“Maternity leave” means approved absence because of incapacitation related to pregnancy and confinement. It is chargeable to sick leave or any combination of sick leave, annual leave, and leave without pay, in the order given.

4.2179 Medical certificate.

“Medical certificate” means a written statement, signed by a registered practicing physician or other practitioner, certifying to the incapacitation, examination, treatment, or the period of disability of an employee while he or she was undergoing professional treatment.

4.2180 Minimum qualifications.

“Minimum qualifications” means the training, experience and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

4.2181 Morale.

“Morale” is not a single concept; rather, it is a shorthand expression covering a number of factors such as recognition, credit, security, sense of belonging, opportunity, etc., that may together a number of incentives which management uses for the employees.

4.2182 Motion study.

“Motion study” means the study of body motions used in performing an operation, with thought toward improving the operation by eliminating unnecessary motions and simplifying the necessary motion, so that maximum efficiency is realized.

4.2183 Motivation.

“Motivation” is applied to an inner urge that moves a person to action, and also to a contemplated result, the desire for which moves the person.

4.2184 Noncompetitive personnel action.

“Noncompetitive personnel action” means a type of personnel action which does not require a qualified employee to formally compete with others in order for the personnel action to be affected.

4.2185 Nonstandard workweek.

“Nonstandard workweek” means irregular or indeterminate hours worked by employees, the nature of whose duties commonly or frequently preclude successful job completion in standard workweeks over a prolonged period.

4.2186

Off-site training.

“Off-site training” means in-service training given to an employee outside their actual work area; for example, classroom training.

4.2187

On-the-job training.

“On-the-job training” means in-service training given to an employee within the work area while doing productive work.

4.2188

Orientation training.

“Orientation training” as part of induction, means in-service training designed to assist workers to adapt themselves as quickly as possible to their job environment, to acquire satisfactory attitudes, and to become familiar with the organization in which they work.

4.2189

Out-service training.

“Out-service training” means training provided by an agency for its employees in order to increase their effectiveness in their present assignments, or to prepare for future assignments, using resources and facilities outside of ASCC or the jurisdiction of the ASG.

4.2190

Overtime.

“Overtime” means work performed in excess of 40 hours per week for employees with a regular workweek.

4.2191

Part-time employment.

“Part-time employment” means work of regularly less than 40 hours per week. However, for certification from register, work of less than 32 hours per week shall be considered as part-time.

4.2192

Pay adjustment.

“Pay adjustment” means a change in the rate of compensation due to revision of the salary schedules of ASCC or for reasons not covered elsewhere.

4.2193

Performance rating.

“Performance rating” means the measure of the performance necessary to meet the needs of the operational system.

4.2194

Performance standard.

“Performance standard” means the measure of the performance necessary to meet the needs of the operational system.

4.2195

Periodic increment date.

“Periodic increment date” means the date established in accordance with the merit system rule on which an employee is entitled to the next step increment within his or her range as stated in the compensation plan.

4.2196

Permanent employee.

“Permanent employee” means an employee appointed in a career service position who has successfully completed a probationary period.

4.2197

Personnel management.

“Personnel management” means the utilization of human resources by management for the accomplishment of the objective of the organization: the branch of business management concerned with the administration and direction of all of the relations between an organization and its employees including the recruiting of new employees, training, testing, promoting, and supervising employees, etc., as well as the administration of all personnel relations.

4.2198

Position.

“Position” means a group of duties and responsibilities constituting or part time, temporary or permanent, or positions on the career service ladder.

4.2199

Position description.

“Position description” means a written description of each group of duties and responsibilities constituting a position.

4.21100 Post training.

“Post-training” means training given after entering a position. The training given before entering is called pre-employment training.

4.21101 Reassignment training.

“Reassignment training” means in-service training given before an employee is assigned to a specific job.

4.21102 Pre-employment training.

“Pre-employment training” means the training given to employees prior to coming into service.

4.21103 Preference eligible.

“Preference eligible” means a U.S. national of American Samoa ancestry who is a veteran as defined in these regulations; a disable veteran as defined in these regulations; or the remarried widow(er) of a veteran.

4.21104 Premium payment.

“Premium payment” means wage payment over and above the basic salary rate for extraordinary conditions of employment, such as overtime and special tours of duty.

4.21105 Probationary period.

“Probationary period” means the trial period of employment following certification and appointment to, or reemployment in, any position in the career service, including promotional positions.

4.21106 Program.

“Program” means a plan or scheme of administrative designed for the accomplishment of a definite objective which is specific as to time phasing of the work to be done and the means allocated for its accomplishment: For budget and accounting purposes, a complete plan of work or effort to accomplish a stated object.

4.21107 Promotion.

“Promotion” means a change of an employee from a position in one class to a position in a class having a higher salary range.

4.21108 Public administration.

“Public administration” means the activities of government to accomplish public goals.

4.21109 Rating.

“Rating” means the act of classifying according to grade, class, rank, or other unit of measuring or evaluation.

Pay schedule placement.

(a) Initial Appointment.

All initial appointments shall be made at the first step of the appropriate pay range of each of the two salary schedules except that, in the event that recruitment of an employee is not practicable at the first step within the pay range which will attract qualified candidates.

Request for payment above the minimum may be made by department heads prior to or at the time of appointment but in any event must be made no later than 60 days after the appointment, if granted, will not be granted retroactively.

Reassignment-An employee who is reassigned shall receive the same rate of compensation as he or she presently receives, except that in case of a reassignment from one salary schedule to another salary schedule, the pay rates governing initial appointment shall apply.

(c) Reinstatement.

When an employee is reinstated within a year of separation from ASCC or government service, he or she may be paid at any rate within the pay range which does not exceed his or her highest previous rate of pay, provided that where such rate falls between two steps of the grade to which reinstated, he or she may be paid at the higher step.

The rules governing initial appointment shall apply only when an employee eligible reinstatement has been separated for at least one year from ASCC or government service.

Returning Veteran-An employee who meets the requirements of reemployment as specific in the Veteran's Preference Act of 1944, as amended, and who is re-employed in his or her former position, shall have his or her rate of pay set at the step he or she would have received and his or her service within ASCC or the government continued. If re-employed in a different position, the pay rule governing initial appointment shall apply.

4.2110 Reassignment.

"Reassignment" means movement of an employee from one position to another position in the same class or grade or from one position to another position in a different class at the same grade.

4.2111 Reduction-his-force.

"Reduction-his-force" means a separation from service because of a lack of funds and/or work and/or reorganization and without cause on the part of the employee.

4.2112 Reduction in salary.

"Reduction in salary" means a placement of an employee's salary at a lower step at the same or lower grade as a result of a disciplinary action.

4.2113 Refreshment training.

"Refreshment training" means training for employees who lack up-to-date information, habits, or skills in an occupation in which they have been previously trained.

4.2114 Register.

"Register" means a list of eligible names established for employment or reemployment in a class.

4.2115 Reinstatement.

"Reinstatement" means appointment of an employee who has previously successfully completed his or her probationary period.

4.2116 Related training.

"Related training" means instruction which is related to the job and provides knowledge and information concerning theoretical and technical aspects of the job, such as properties of material used, applied science, mathematics, and drawing.

4.21117 Remedial training.

"Remedial training" means training given to employees for the purpose of correcting specific weaknesses in work performance.

4.21118 Resignation.

"Resignation" means a voluntary separation from employment.

4.21119 Resources.

"Resources" is a term often used by management to described these productive factors; labor, capital, and machinery. It includes personnel who do the work, and funds, equipment, and materials with which to work. The apportionment of available resources is a responsibility of the president.

4.21120 Retraining.

"Retraining" means training given an employee to bring him or her up to date on new developments, techniques, or procedures in his or her present job.

4.21121 Reversion.

"Reversion" means voluntary or involuntary movement of an employee during a six-month trial service period to the lower class which he or she held prior to his or her last promotion.

4.21122 Salary range.

"Salary range" means a sequence of minimum, intervening, and maximum dollar amounts assigned to a specific class.

4.21123 Screening committee.

“Screening committee” consists of three ASCC employees, who have been appointed by the President to objectively review applications for classes of positions classified at grade 9 and above for which no comprehensive written, oral, or performance examination exists. Member evaluate the experience and training recorded on an application against the minimum qualifications officially established for the class and rank the applicants in the order of best qualified.

4.21124 Selecting authority.

“Selecting authority” means the authority to select individuals for positions. Selecting authority differs from appointing in that the former can select individuals for employment but not offer them a position. The offer must come from the president in order to be official.

4.21125 Selective certification.

“Selective certification” means the certification of eligible possessing the special qualifications required for a specific position.

4.21126 Seminar.

“Seminar” means an advance study group with selected members, each of whom investigates some aspects of a subject and reports thereon to the group, the members of which then discuss and evaluate the findings.

4.21127 Sick leave.

“Sick leave” means absence from duty because of illness or other disability or exposure to contagious disease.

4.21128 Skill training.

“Skill training” means development of a facile and well-integrated performance, usually associated with mechanical and motor responses, such as those used in typing, glass blowing, and swimming.

4.21129 Standard workday.

“Standard workday” means an assigned eight-hour work period.

4.21130 Standard workweek.

“Standard workweek” means 40 hours divided into five regular assigned eight-hour days within a seven-day period.

4.21131 Supervisor.

“Supervisor” means and individual having substantial responsibility requiring the exercise of independent judgment who, on behalf of management, regularly participates in the performance of all or most of the following functions over at least three employees: promote, transfer, suspend, discharge, or adjudicate grievances of other employees.

4.21132 Suspension.

“Suspension” means an enforced absence without pay for disciplinary purposes.

4.21133 Temporary employment.

“Temporary employment” means employment during the absence of a permanent employee on leave or for work done at a workload peak and normally lasting for less than six months but not exceeding one year.

4.21134 Termination.

“Termination” means separation from employment for reasons beyond the control of the employee.

4.21135 Training aids.

“Training aids” means any material or device which facilitates learning, such as movies, slides, posters, booklets, view graphs, audio-visual aids, etc.

4.21136 Training committee.

“Training committee” means a committee authorized to consider training problems and devise solutions, develop training policies, promote their acceptance, and advise management in the execution of those policies.

4.21137 Training plan.

“Training plan” means a method or scheme for obtaining a certain specific training objective, and containing the following information:

- (1) Objective of the training:
- (2) Who will be trained:
- (3) Name of instructor:
- (4) Schedule of meetings, etc.
- (5) Outline of material to be presented;
- (6) A plan for evaluating the effectiveness of the training.

4.21138 Training policy.

“Training policy” means a statement defining the objectives and the responsibilities for training, the relation between training staff and operating officials, and the general procedures for organizing, operating, and evaluating a training program.

4.21139 Training timetable.

“Training timetable” means a form which lists the various tasks in a given organization or unit, and shows for each employee the tasks:

- (1) Which he or she can perform adequately:
- (2) In which he or she is not to be trained during the period under consideration; and
- (3) In which he or she is to be trained and the time by which this training is to be completed.

4.21140 Transfer.

“Transfer” means movement of a permanent employee from a position in ASCC to a similar position in another agency of the American Samoa Government, or from a position in one department of ASCC to a similar position in another department, and shall be subject to whichever provision applies: e.g., promotion, reassignment, or demotion.

4.21141 Trial service period.

“Trial service period” means a six-month trial period of employment of a permanent employee beginning with the effective date of a promotion or demotion.

4.21142 Tuition.

“Tuition” means payment of appropriated funds to outside agents or agencies for instructional services; the fee charged by an instructor or school for instruction. “Tuition” does not include fees collected for defrayment of other or incidental expenses, such as registration fees, laboratory fees, costs of books, or charge for space or utilities.

4.21143 Unassembled examination.

“Unassembled examination” means an examination in which the education, training, and experience of applicants is rated as set forth in their applications.

4.21144 Veteran.

“Veteran” means an individual who has served on active duty in the Armed Forces of the United States for a period of not less than 180 consecutive days, other than for training, and who has been separated from the Armed Forces under honorable conditions.

4.21145 Work simplification.

“Work simplification” means a management technique for simplifying methods and procedures and eliminating waste of manpower, material, equipment, and facilities. Process study, operation study, and layout study are phases of this subject.