

ASCC EMPLOYEE HANDBOOK

American Samoa Community College

6/7/2012

Human Resources Division

INTRODUCTION

This Employee Handbook is to provide a general overview of employment policies and procedures. It will serve as a convenient source of reference as questions and/or problems arise concerning general work regulations and benefit programs. However, because changes take place continually in our College, the handbook may not be completely up-to-date. Employees will be informed of changes through their supervisor, the website (amsamoa.edu), and/or periodic revisions of the handbook as they occur. Supervisors and Human Resources staff is ready to answer specific questions and provide additional information not covered in this handbook.

This Handbook is not meant to be all-inclusive. It is provided as a set of guidelines. After you have consulted the appropriate section of the Employee Handbook, should you still have questions, please ask your supervisor or contact the Human Resources Division.

Sereima S. Asifoa
Director of Human Resources
Phone: 699-9155, ext. 404/405/335/477

MISSION AND VISION STATEMENTS

Vision – The Board of Higher Education envisions the American Samoa Community College as the only U.S. accredited education institution of higher learning in American Samoa and the South Pacific region providing quality courses, programs, and services for its students, enabling them to meet the challenges of the 21st century. The College will adequately prepare its students who may wish to matriculate to colleges and universities off-island, join the work force, or pursue any endeavor of choice.

Mission – The mission of the American Samoa Community College is to foster successful student learning by providing educational programs and services of high quality that will enable students to achieve their educational goals and to contribute to the social, cultural, political, economic, technological, and environmental well-being of American Samoa.

To fulfill this mission, the College, as a United States accredited, open admissions, Land Grant institution, provides access to associate degree and certificate programs of study. These programs prepare students, including those who are educationally underserved, challenged, or non-traditional for:

- transfer to institutions of higher learning;
- successful entry into the workforce;
- research and extension in human and natural resources; and
- awareness of Samoa and the Pacific.

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**STANDARD SCHEDULE OF DISCIPLINARY OFFENSE &
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I. COLLEGE ADMINISTRATORS

Position	Incumbent
President of the College	Dr. Seth P. Galea'i
VP Academics & Student Affairs	Dr. Kathleen Kolhoff
VP Administrative Services	Dr. Rosevonne Pato
Dean & Director Community Natural Resources	Dr. Daniel Aga
Dean of Academics Affairs	Letupu Moananu
Dean of Student Services	Dr. Emelia Le'i
Dean of Trades & Technology	Michael Leau
Chief Finance Officer	Emey Silafau-Toa
Director Institutional Effectiveness	Sonny Leomiti
Chief Information Officer	Grace Tulafono
Director Physical Facilities Maintenance	Loligi Seumanutafa
Director Teacher Education	Dr. Lina Scanlan
Director Human Resources	Sereima Asifoa
Director Samoan Studies	Keseta Okenaisa Fauolo
Director Small Business Development Ctr	Dr. Herbert Thweatt
Director Admission, Registrar & Financial Aid	Sifagatogo Tuitasi
Director Research Foundation	Adi Matesina Willis
Director of Student Support Services	Annie Panama
Director University Ctr of Excellence for Developmental Disabilities	Tafaimamao Tupuola
Director of Learning Resources	Elvis Zodiagal

II. COLLEGE SUPPORT SERVICES

In support of the overall mission of the College, the President and its staff shall establish services that will effectively provide for a successful operation in all aspects of its organization, but not limited to the following services:

Services	Department
• Curriculum and Instructional Services	Academic Affairs
• Library	Academic Affairs

- Arts, Music and Theatrical Performances Academic Affairs
- Research in Land, Agriculture, Forestry CNR
- Finances and Grants Management Finance
- Bookstore & Cafeteria Finance
- Personnel Employment, Records Mgmt HR
- Personnel Registers HR
- Planning and Research Instructional Affairs
- Effectiveness & Research Institutional Effectiveness
- Workforce Development Trades & Technology
- Apprenticeship Training Trades & Technology
- Printing, Copying, and Duplicating Mgmt & Info Systems
- Purchasing and Property Management Procurement
- Facilities Maintenance, & Construction Physical Facilities
- Financial Aids ARFO
- Student Records ARFO
- Student Orientation, Registration, Counseling ARFO

III. HUMAN RESOURCES SERVICES & CONTACTS

Most questions that normally arise on personnel and payroll matters are answered by an employee's supervisor. In some instances, it may be necessary to contact Human Resources. Listed below are the individuals to contact to answer your questions.

The Human Resources office is located on the Second Floor of the main campus buildings, above the TED1 and TED2 Classrooms. Our phone number is: **699-9155, ext. 335, 477, 403, 404, 405.**

Employment:

Contacts – Sereima S. Asifoa, Silaulelei Saofaigaalii, Finau Roxanne Moananu, Lipena Samuelu

- Recruitment and Hiring
- Contracts or Temporary/Limited Term Employment
- Official Personnel Actions (303)
- Employee Benefits
- Employee Orientation

Employee Training: Contact - Sereima Asifoa, Silaulelei Saofaigaalii, Lipena Samuelu

Payroll: Contacts - Sialulelei Saofaigaoalli, Finau Moananu, Leata Satele.

- Timesheets
- Leave Accounting/Requests/Reports
- Payroll Dates, Checks,

Personnel Records/Directory/Data: Contacts - HR Staff

- Personnel Records maintenance/update
- Personnel Directory
- Personnel Action Request “tracking status”
- Data

Personnel Policies/EEO/College Regulations: Contacts - Sereima Asifoa, Silaulelei Saofaigaalii, Lipena Samuelu

- Interpretation of personnel policies and regulations
- Process and Status of Grievances/Appeals

Workmen’s Compensation, Grievances

Sereima Asifoa, Silaulelei Saofaigaalii

IV. CONFLICT OF INTEREST/CODE OF ETHICS

A. **Policy Statement** – (Ref: ASCC Governance BHE 4202)
 “ASCC expects all of its employees to serve the interest of the college first and foremost. A conflict of interest can occur when an employee’s

interest is placed before that of the college, or when an employee’s extra or outside activities beyond his/her required duties are in direct discord with the college’s interest, and adversely affects the mission of the college.

B. **Purpose.** For purposes of this policy, a conflict of interest relates to situations in which significant financial interest or other personal considerations may compromise, may involve the potential for compromising, or may have the appearance of compromising an employee's objectivity in meeting his/her duties or responsibilities at ASCC, including research and public service activities.”

C. **Rights & Responsibilities** - The following are your rights and responsibilities as an ASCC employee under the Code of Ethics. You have the right to:

- 1) Engage in outside employment, (ref: ASCC Governance Policy #4206)
- 2) Accept fees for appearances made on your own time

Corresponding to these rights, you have the following responsibilities:

- 3) **To file a statement with your supervisor if a potential conflict of interest exists.**
 - a. The College prohibits activities that will cause a conflict of interest to an employee of ASCC. Therefore:
 - b. You may not use or attempt to use your position with ASCC, or the influence of your position, for financial gain or other benefits for you, your immediate family, or an organization with which you are associated.
 - c. If you are assigned to act as an official representative of the college by presenting papers, talks, demonstrations or making

- other appearances, you may not solicit or accept fees, honoraria, or reimbursement of expenses for personal gain. Any fees, honoraria, or reimbursement of expenses which may be offered in connection therewith shall be paid to ASCC.
- d. You may not intentionally use or disclose information gained in your position in any way that could result in receipt of anything of value to you, your immediate family, or any other person or organization, if the information has not previously been made public. No reprisal may be taken against you for the lawful disclosure of information which you believe evidences :
 - Violation of any law, rule or regulation, or
 - Mismanagement, gross waste of funds, abuse of authority, and enforcement of unreasonable college work rules or a substantial and specific danger to public safety.
 - e. You may not recommend or make a limited term or project appointment if the person to be hired is a member of your immediate family.
 - f. You may not give preferential treatment in the supervision or management to an employee who is a member of your immediate family.
- 4) **It is your responsibility to inform your supervisor in writing before:**
- a. Accepting outside employment. Note: If you are presently employed outside the college, you are requested to report such employment to your supervisor.
 - b. Accepting an assignment to act as an official representative of the college in such matters as presentation of papers, talks, demonstrations, or making appearances.
 - c. Accepting fees and/or honorariums, for papers, talks, demonstrations, or appearances even when that is done on your own time and not directly related to your position.
- 5) **Forms are available in the Human Resources Office:**
- a. To advise your supervisor of a potential conflict of interest.
 - b. To notify your supervisor of outside employment.
 - c. If you are ever accused of violating provisions of the Code of Ethics, the matter will be investigated by any or all of the following: Your immediate supervisor, Dean/Director, Vice President, and Director of Human Resources.
 - d. Questions about your rights or responsibilities under the Code of Ethics should be referred to your supervisor, or Director of Human Resources, Komiti Panama-Emmsley. She will be available to advise and counsel you or your supervisor.

V. EMPLOYMENT CONDITIONS

A. General Requirement of Recruitment and Placement (ASCC Governance 4300.1)

1. **Merit, Fitness, Skills, Knowledge, and Examinations** – Recruitments, hiring, appointments 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 under the Merit System.

2. **Standards of Evaluations** – Appointments and promotions to all career service positions shall be made solely on the merit system. The same standards and methods shall be used in evaluating all candidates who are in competition for the same class.

3. **Residents and Non-residents** - Permanent residents of American Samoa, or persons entitled to permanent residence as determined by the immigration law of American Samoa, shall be given initial consideration for employment. Only when no permanent resident can be found who meets the minimum qualification for employment established for a particular class of work can another person be employed.

4. **Employment Clearances** - Applicant selected for a position in the career service, or a contract of one or two years is required to successfully pass the pre-employment Medical Examination conducted by the public Health Division of American Samoa. A signed and completed form letter, “Security Background Investigation” must be completed by the Commissioner of Public Safety. In addition, a non-resident must also complete a form letter, “Non-Resident Employee”, from the Immigration Office before they can officially be appointed to the position.

5. **Effective Dates of Employment** – The official effective date for all recruitment and placement actions, as well as other personnel actions, shall be established by the President of ASCC. Exceptions are:

a. In the case of resignation, the date is established by the employee resigning;

b. Effective dates for appointments can only be established after the prerequisite medical, police, and immigration clearances have been obtained by ASCC;

c. Effective date for pay grade step increments is determined under the classification and pay regulations.

d. Retroactive effective dates are only set when an administrative error has occurred or as a corrective action resulting from an appeal.

B. **Nepotism (Employment of Relative)** – (*Ref: ASCC Governance 4204*) - Applications for employment from a close family relative will be considered with other qualified applicants when personnel vacancies occur. Some restrictions in job placement will apply, to prevent problems of supervision, safety, security and morale.

C. **Documentation of Education for Placement** (*ASCC Governance 4006.2*) - Official transcripts are required to be sent directly from the issuing institution to the ASCC Department of Human Resources to document compliance with the ASCC employment policies. Faculty members and applicable staff/administrators must comply with the requirement to document all education listed on the employee’s application that satisfies the requirements of the job announcement.

D. **Professional License, and Certification** (*ASCC Governance 4006.3*) 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 renewals 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.

VI. WORK REGULATIONS

College work regulations are defined as, and limited to, rules issued by the college within its discretion that regulates the personal conduct of employees during hours of their employment. Committing any of the acts on the list will be sufficient grounds for disciplinary action ranging from warning to termination, depending on the seriousness of the offense or the numbers of infractions.

Division or Unit Work rules, if any, are provided to employees by their supervisor.

A. Employee Code of Conduct - (Ref: ASCC Governance 4203) - Employees will meet ethical and professional standards for personal conduct and work performance. All employees have the right to learn and work in a positive environment which is free of harassment, threats, intimidation, violence or any other misconduct. Any violent, intimidating, threatening or harassing behavior, or other misconduct in any form, will not be tolerated in the classroom, workplace, or in any college location.

ASCC’s judgment, and not that of any individual employee, is the benchmark for what is acceptable and what is not. An employee’s conduct is not made acceptable solely because the employee believes it to be. ASCC expects that its employees recognize that inappropriate conduct, from rudeness to theft, is unacceptable. The decision as to what is inappropriate is left to the President of the college’s discretion.

B. Prohibited Conduct, Infractions – (Ref: ASCC Governance 4203.1)

Infractions including but not limited to, violations of college policies, procedures and practices; incompetent or inefficient service; insubordination; illegal acts; willful neglect of duty; or unprofessional or unethical conduct constitute misconduct on the part of the employee. Misconduct will result in disciplinary action and may be cause for progressive discipline or possible termination of employment. (see “Standard Schedule of Disciplinary Offenses and Penalties”).

1. Misconduct - (Ref: ASCC Personnel Governance – 4203.1A)

Any criminal, dishonest, or immoral behavior, or any conduct on the part of an employee which adversely affects the college such as, but not limited to:

- a. Assault – Any form of threat of physical assault toward a supervisor, student, another employee, or visitor to the college. Unprovoked assault on another employee during working hours, or on ASCC property, or the use of a weapon; any fight on ASCC property.
- b. Drugs/Alcohol – Being under the influence of, using, selling, distributing, or possession of alcohol or a controlled substance during work hours, whether on or off the premises – If an employee is suspected of being under the influence of alcohol or a drug in violation of this rule during working hours, the employee will be removed from campus and escorted by ASCC security into the custody of ASG police.
- c. Theft or dishonesty, including a breach of ASCC security or confidentiality; punching another employee’s time card; falsification of any personnel/business record; or giving a false excuse for absence from work.

- d. Conviction of a crime – Arrest for the alleged commission of a felony may result in an unpaid suspension until the charge is resolved.
 - e. Weapons – Carrying or otherwise possessing firearms or other deadly weapons on the ASCC premises.
 - f. Gambling – Any activity that is viewed as loan-sharking, gambling, or working numbers (lottery) on the ASCC campus.
2. Personal Conduct– (Ref: *ASCC Personnel Governance – 4203.1*)
- a. Dereliction of Duty – Willful neglect, failure or intentional delay by an employee to perform his/her duty or carry out the orders, work assignments or instructions of superiors.
 - b. Profanity – Abusive language or conduct directed at a supervisor or other employee.
 - c. Disorderly – Fighting, horseplay, disorderly or unsafe conduct on ASCC premises.
 - d. Leave Campus without Permission – Temporarily leaving ASCC campus during working hours without permission (verbal/written) of a supervisor or person in charge, and/or without clocking out.
 - e. Absences – Being absent from work in excess of five (5) consecutive workdays without proper notification.
 - f. Bad Attitude – Offensive personal conduct having an adverse effect on the college’s work, safety and health or student and employee morale.
 - g. Altering Work/Equipment/Information – Posting, altering, or removing any matter on bulletin boards or ASCC property unless specifically authorized. Covering up or attempting to conceal defective work; removing or destroying without permission.
 - h. Wasting Time – Any abuse of or conduct indicating intent to abuse the attendance policy; loafing; unnecessary absence from workstation; or other abuse of working time. .
 - i. Personal Work – Performing personal work during ASCC work time or on ASCC equipment without permission, including sleeping on the job.
 - j. Insubordination to Authority – Employees are required to adhere to the announced policies and programs of ASCC. If he/she fails to carry out any lawful rule, order, or policy, or deliberately refuses to obey the proper requests of his/her superiors who have responsibility for their performance, he/she is subject to appropriate disciplinary action.
3. Prohibited Use of College Property – (Ref: *ASCC Personnel Governance 4203.1B*) - Employees shall be held accountable for ASCC property entrusted to them for their official use. 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.
- a. Abuse of ASCC Vehicles – Violating traffic regulations; reckless driving of ASCC or government properties, improper operation of a vehicle; authorizing the use of a vehicle to unauthorized personnel; and operating without an official or driver’s license. The following rules apply to ASCC-owned/leased vehicles or other self-propelled equipment and are specifically established by the President of the College:
 - Vehicles shall be used for official business only;

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

b. Loss/Damage of Property –Intentional damage to the property of ASCC, its employees, students or visitors.

c. Unauthorized Use of Equipment – Using ASCC telephones, computers, copiers, or any other property belonging to ASCC for personal gain.

d. Unauthorized Use of Facilities – Using ASCC facilities for meetings, conferences, or gatherings without proper permission in writing.

4. Prohibited Selling, Soliciting and Advertising – (Ref: *ASCC Personnel Governance 4203.1E*)- Proper written approval on an ASCC form must be obtained prior to the event being scheduled and approved by the appropriate Vice President in the performance of their duties. The College reserves the right to withhold approval for any solicitation activities on property under its jurisdiction, and to regulate the time, place, manner and duration of approved solicitation, selling, or advertising. For further clarification check with Human Resources.

5. Prohibited Community, Political, and Professional Activities – (Ref: *ASCC Personnel Governance 4203.1H*) – Following activities are not encouraged and may not be allowed:

a. Revolutionary Organizations - An employee of the college may not knowingly advocate the overthrow of the United States, American Samoa Government, and the college through membership in any organization which asserts the right to militate against these constitutional forms of government or agencies.

b. Political Affiliations – (Ref: *ASCC Personnel Governance*)

It is unlawful for an employee of the college to participate in the following political activities as quoted below per American Samoa Code Annotated:

- Use his/her official authority or influence as an officer or employee of the government for the purpose of interfering with or affecting the result of an election or a nomination for office;
- Directly or indirectly suggest, advise, command, coerce, or attempt to coerce an officer or employee to pay, lend, or contribute anything of value to any person, committee, agency, or political party for political purposes;

- Use property belonging to the government/college to directly or indirectly or support any political candidate or political campaign.

Any employee of the College who is in violation shall be subject to disciplinary action.

C. Commission of a Criminal Act – (Ref: *ASCC Governance 4203.2*)

An employee admitting or found to have committed a crime during his/her employment with ASCC shall forfeit all due process rights, and be terminated immediately. An employee indicted of a crime pending a court case shall be removed from his/her current job to a less critical position or suspended until the case is resolved as determined by the President. ASCC shall not be obligated to pay any legal fees in the case of any employee accused of a crime or found guilty of committing a crime while employed with the college.

D. Falsification/Omission of Employment Information – (Ref: *ASCC Governance 4006.5*)- Corrective Action shall be taken when an employee falsifies, fails to report, or incorrectly reports background information on the application for employment and/or any other employment documentation or medical related forms.

E. Personal Appearance - Appropriate Dress – (Ref: *ASCC Governance 4406*) - Employees appearance, courtesy and consideration should reflect a favorable response from the community. Employees are expected to maintain an appropriate appearance and to conduct themselves in a business-like manner while on the job. Employees should discuss any questions on attire and grooming with their supervisor, or Human Resources. If the supervisor determines that the employee is inappropriately attired, the employee will be asked to go home and change. The time required to do this is unpaid.

F. Personal Telephone Calls – (Ref: *ASCC Governance 4407*)-

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

G. Political Activity – (Ref: *ASCC Governance 4408*) - ASCC

encourages its employees to take an active interest in government and to participate in political affairs. All employees have the right to express their opinions on political issues and candidates and are also encouraged to exercise these rights. However, such activity is subjected to these conditions.

- Nonpartisan position of the college – No action will be allowed by any person that infringes on the right of any employee to decide which candidates or positions to support. ASCC will not endorse or contribute to any political candidate, party, or cause.
- Individual Actions – No employee is allowed to give the impression that any political action or position represents the college. All political activities are to be done as the actions of individuals, on their own time, and away from ASCC's facilities.
- Contributions – No employee is allowed to directly or indirectly coerce, attempt to coerce, command, or advise any other employees to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purpose.
- Employee's Seeking Elective Office – Employees who wish to seek elective office should inform their supervisors and the President. Subject to the requirements of law, ASCC grants unpaid personal leave to the employee who is seeking elective office, for the purpose of campaigning for and fulfilling the responsibilities of office, if elected. An employee who is granted leave under this policy must comply with ASCC's policy for unpaid political leave in its entirety.

H. **Personal Mail** – (Ref: *ASCC Governance 4409*) -_ASCC employees shall not use ASCC as their personal mailing address. All mail, including personal mail, delivered to this address will be opened and routed to the addressee. The employee will be allowed 30 days to correct the issue before disciplinary action is taken.

I. **Acceptable use of ASCC email and Internet Services** - (Ref: *ASCC Governance 4410*) - ASCC’s e-mail system is the property of the College, is strictly intended for business purposes, and must not be used for personal reasons or entertainment. Use of the Internet for personal business may result in the loss of that privilege, or discipline. Further, the college will not tolerate individual abuse through the accessing of chat rooms, or pornographic or other inappropriate materials. Such action may result in discipline of the employee.

J. **Acceptable and Safe Use of Equipment and Property** – (Ref: *ASCC Governance 4411*) - Employees of ASCC will not directly or indirectly use or allow the use of property, equipment, or supplies belonging to the college or located on ASCC premises for any purpose other than college business, unless special permission is obtained from the President. Further, no employee shall willfully alter, mutilate, abuse, or waste any property, equipment, or supplies belonging to ASCC or located on college property. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination.

K. **Non-Discrimination** - (Ref: *ASCC Governance 4209*) – ASCC prohibits discrimination against any person on the basis of race, religion, gender, color, ancestry or national origin, age, political opinion, sexual orientation, marital status, veteran status, or physical or mental disability of otherwise qualified individuals. This non-discrimination policy applies to and includes, but is not necessarily limited to, employment practices, educational programs, student admissions, and

access to services. The college will abide by all applicable requirements of local and federal law prohibiting discrimination.

1. Non-Discrimination is recognized as a violation of Title VII of the Civil Rights Act of 1964:
2. The Pregnancy Discrimination Act of 1978 defines Pregnancy Discrimination as Unlawful Sex Discrimination. Pregnancy shall be treated as a temporary disability, and the physical requirements of the job description, and the policies pertaining to FMLA and reinstatement of their job after temporary disability must be explained to the employee, who will sign a form indicating an understanding of these policies.
3. The Age Discrimination in Employment Act of 1967 (ADEA), as amended, protects individuals, whether employees or job applicants, who are 40 years of age or older, from employment discrimination based on age. Under ADEA, it is unlawful to discriminate against any individual because of their age with regard to any term, condition, or privilege of employment, including, but no limited to hiring, firing, promotion, layoff, compensation, benefits, job assignment, or training.

L. **Harassment and Sexual Harassment** (Ref: *ASCC Governance 4211*) ASCC will not tolerate harassment, including sexual harassment, which is contrary to basic standards of conduct between individuals and is prohibited by Equal Employment Opportunity Commission and local statutes. All forms of harassment which create an offensive working environment are forbidden, including but not limited to insulting, intimidating or discourteous conduct, as well as derogatory jokes or comments relating to race, color, religion, sex, age, disability, national origin, sexual orientation, or other protected status under applicable employment laws.

With respect to sexual harassment, it is recognized as a violation of civil rights laws and U.S. Equal Opportunity Commission Rules. The Equal Employment Opportunity Commission has issued Guidelines defining unlawful sexual harassment as: Unwelcome sexual advances, requests of sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

3. **Quid Pro Quo** -

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

4. **Hostile Environment** - Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

M. Off the Job Conduct - (Ref: *ASCC Governance 4412*) - *ASCC* encourages its employees to cultivate personal qualities which characterize a good employee's loyalty to *ASCC* – a sense of responsibility for the public trust and 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 College.

N. Punctuality – Reporting of Attendance (*ASCC Governance 4400.B*) All employees must notify their department head/supervisor of their expected lateness or absence and provide a reason prior to the beginning of the employee's shift. Subsequent written documentation supporting the reason for lateness or absence may be required. Except in rare and unusual cases, a failure to report prior to the beginning of a shift will

render the lateness or absence “unexcused”, regardless of any later justification or reason that may be offered. An excuse will not be given until the reason is properly considered by the supervisor; reporting of attendance will not be an automatic excuse.

O. Making up Time (*ASCC Governance 4400.I*) - 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.

VII. PAYROLL INFORMATION

A. Direct Deposits- An authorization form shall be obtained from and submitted to the Finance Office.

B. Paychecks -All employees of *ASCC* are paid on a biweekly basis. If a payday falls on a holiday, earning is dated and checks distributed on the day before the holiday. The earning statement on each pay stub shows base pay, gross, and net (take home) pay, differential, overtime, and deductions. The four major deductions for career service employees are: federal taxes, local taxes, social security taxes, and retirement.

C. Pay Periods (*Ref: ASCC Governance 4606*) - Pay period is composed of two consecutive weeks, beginning midnight on Sunday and ending 11:59 p.m. Saturday. The normal work week consist of 40 hours scheduled between Sunday and following Saturday. An individual's working hours and workdays depend on division/department requirements and the nature of the position held.

D. Time Sheet Reporting – (*Ref: ASCC Governance 4400.3*) - All employees including those on career service, temporary hire, 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 by the supervisor or the person delegated in his/her absence and delivered

to Human Resources not later than 9:00a.m. Monday following the end of the bi-weekly pay period. All reports will be submitted using ASCC HR 4400, unless timesheets require additional information as for allocation of cost to the program, or authorization for compensation/ overtime. Human Resources will send out email notification to all ASCC employees prior to timesheet submissions being due.

E. **Time Sheets** (Ref: ASCC Governance 4608) - Each employee is responsible for keeping and submitting a time sheet every two weeks. Willful falsification of time sheets is grounds for disciplinary action. Time sheets on file with Payroll and Human Resources are considered the official records of attendance for ASCC personnel.

F. **Overtime** (Ref: ASCC Governance 4605 and 4605.1)- ASCC employees shall not work overtime on a regularly scheduled basis unless requested to do so by Division Director/Dean and approved by the appropriate Vice President, CNR Dean/Director and/or President. Overtime must be requested and approved in advance before actual work commences.

1. **Non-exempt employees**, GS11 and below are eligible for time and 1½ pay of overtime work calculated on an hourly basis as receive overtime payment.

2. **Exempt employees**, GS 12 and above, as also determined under the definitions of the Fair Labor Standards Act, may be compensated for overtime and receive compensatory time. (See also “Compensatory Time”)

G. **Compensatory Time** (Ref: ASCC Governance 4605.1)- Compensatory time-off shall be requested in writing and approved by the President within three days prior to scheduled work date.

1. Accrued Compensatory Time – Employee may not accrue more than 120 hours maximum. Any hours above the maximum shall

be requested and paid during the last pay period of June and December of each year. This maximum (120 hours) is not an annual accumulation; it is over the duration of the employee’s aggregate service.

2. Use of Compensatory Time – Employee may request leave using compensatory time within a “reasonable period” after it is requested, if its use does not unduly disrupt daily operations.
3. On termination/resignation from ASCC.

H. **Night Differential/Shifts** (Ref: ASCC Governance 4607) - Employees regularly scheduled to work between 6:00 p.m. and 6:00 a.m., may be qualified to receive night differential in addition to regular salary. Information on the amount of such payment is available through the Business Office.

I. **Pay Increases/Step Increments** – (Ref: ASCC Governance 4604)

1. **Pay increases** can be received by employees who are promoted or whose position is reclassified.

2. **Step Increment** - Every employee is entitled to an annual step-increment increase if they meet the pre-requisite of a satisfactory performance evaluation and the step increment is recommended by the supervisor.

3. **Denied Increment** – An employee denied an increment because of substandard performance, may subsequently receive an increase as of the date the performance has been brought to standard and continued for a period of three (3) months. The employee’s increment date will be adjusted accordingly.

VIII. EMPLOYEE BENEFITS

* *Please Note:* ELIGIBILITY FOR MOST BENEFITS DEPENDS ON THE EMPLOYMENT STATUS OR TERMS OF APPOINTMENT. New staff/faculty members must meet with a Human Resources staff to ensure all required documents for benefits are met.

A. Annual Leave (Ref: ASCC Governance 4500- career service, 4130 – contract specialists) -ASCC encourages and requires each employee to take annual leave entitlement as paid time off away from work.

1. A permanent staff employee shall be entitled to annual leave only after having been employed for a continuous period of 30 days under one or more appointment without a break in service. Annual leave is credited every pay-period for those whose appointed staff position is noted in the table below:

Cumulative Years Employed by the College, Military, Am. Samoa Government	Annual Leave Hours awarded
1 – 3 years of creditable services	4
3+ - 15 years of creditable services	6
15+ years of creditable services	8

2. Contract Specialists with annual leave benefits from off-island shall be credited 8 hours of annual leave per pay period.
3. One year contract employees hired with benefits will be credited 4 hours of leave every pay period.
4. Faculty appointments – will not receive annual leave.
5. Maximum Accumulation of unused accrued annual leave may not exceed a total of 480 hours or 60 days at the beginning of the first pay period of each calendar year. Any leave in excess shall be forfeited. Annual leave carried forward shall be done at the end of each year or December 31st.

6. Leave Request – Annual leave must be requested in advance and will be granted insofar as the needs of the division/department will permit. Approval of leave shall be completed within **three days of taking leave**.

7. granting of Leave – Leave will be granted and approved as follows:

<u>Approving Authority</u>	<u>Total Hours Requested</u>
o President	161+ Hours
o VP’s and Dean Director CNR	25 – 160 Hours
o Deans, Directors, CNR Coordinator, Program Directors	1-24 Hours

8. Leave Charges – Leave days are charged to an employee’s account only for absence on regular workdays. Leave is not charged for absence on holidays or other authorized non-work days.

9. Minimum Charges – One hour is the minimum charge for annual. After one hour, additional charges may be made in multiples of ½ hour. Absences on separate days are not combined.

10. Payment of Leave – When an employee resigns or otherwise, terminates his/her position with ASCC, he/she will be paid for any unused annual leave. However, if more annual leave was used than was earned, the annual leave overuse will be deducted from the last check.

B. Sick Leave – (ASCC Governance 4501) -All ASCC employees entitled to sick leave will be credited 4 hours per pay period. Sick leave shall not be used until it has been earned. Sick leave may be used to cover required periods of absences from employment for the following:

- To supplement worker’s compensation benefits
- Personal illness, bodily injury, maternity, or other chronic diseases
- Immediate family or personal medical or dental appointments, which cannot be scheduled at times other than during working hours
- Temporary emergency care of ill or injured members of the employee’s immediate family for a limited period of time; however, the use of sick leave may be extended to cover unusual circumstances provided prior approval is obtained from the appointing authority.

1. Immediate family includes: parents, stepparents, grandparents, children, stepchildren, brothers, sisters, and employee spouse.

2. Notification of Supervisor/Work: Employee is responsible for notifying his/her supervisor prior to or within one hour of scheduled start time of when unable to report to work due to illness or appointments.

3. Medical Certification: The supervisor may require the employee to provide a medical certificate before granting sick leave request. In some instances, it may be necessary for the employee to obtain a medical documentation certifying he/she is able to perform all job duties before returning to work.

4. Unused Sick Leave – continues to accumulate over the length of service.

5. Payment of Sick Leave – payments will be made upon resignation or termination. The payment is determined according to established formula approved by local statues and used by Human Resources.

C. **Holidays** - (Ref: *ASCC Governance 4605*) -The college shall observe the following public holidays as designated by statute, and any other day off established by a Governor’s proclamation. These holidays are considered official paid holidays for ASCC employees. All ASCC employees eligible are entitled to take a holiday with pay on the following occasions:

<u>HOLIDAY</u>	<u>DAY OBSERVED</u>
New Years	1 st of January
Martin Luther King Day	3 rd Monday in January
Washington’s Birthday	3 rd Monday in February
Good Friday	Friday before Easter Sunday
American Samoa Flag Day	April 17 th
Memorial Day	Last Monday in May
Independence Day	July 4 th
Manu’a Island Cession Day	July 16 th
Labor Day	1 st Monday of September
Columbus Day	2 nd Monday in October
Veteran’s Day	2 nd Tuesday in November
Thanksgiving	4 th Thursday in November
Christmas Day	December 25 th

D. **Health or Medical Insurance** - The primary health/medical insurance for ASCC employees is provided by the LBJ Medical Hospital. The coverage allows the employee to pay residential rates versus non-residential rates.

E. **Family Medical Leave** – (Ref: *ASCC Governance 4502*) - The federal Family Medical Leave Act (FMLA) and ASCC’s FMLA in combination with a wide array of College benefits, provide employees with the opportunity to balance the needs of the family with needs of work. Childbirth, adoption, child care, caring for ill children, spouse, and parents are challenges faced by many employees. Since the integration of these laws and policies, it has been quite complicated. Employees are

encouraged to visit with Human Resources staff for information pertaining directly to their individual situation.

F. **Shared Leave Contributions** - (Ref: ASCC Governance 4509) - All eligible ASCC employees with leave benefits may donate accrued sick or annual leave to eligible employees in need. 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.

G. **Retirement** – (Ref: ASCC Governance 4508. ASCA Title 7, Chapter 14) - The American Samoa Government plan provides retirement benefits for ASCC employees' eligible (career service/permanent) for this benefit. Visit the Human Resources Office for more information and benefit calculations.

H. **Social Security F.I.C.A** – ASCC employees are covered by social security, and social security taxes will be deducted from the pay check. The taxable wage base and tax rate are subject to a periodic adjustment as result of new federal regulations.

I. **Tenure Awards** - (ASCC Governance 4307.D) - Personnel eligible for the tenure award must submit a request in writing to the Human Resources Division via their division/department supervisors for the release of the certificate. The request will provide Human Resources Division with written authorization and documentation that the award is to be paid to the member and a copy submitted to the Business Office. Effective on and after January 6, 1980, employees who are awarded service certificates will receive a tenure award in cash as follows:

- Twenty year certificate \$500
- Thirty year certificate \$750
- Forty year certificate \$1,000

- Retirement certificate \$100

IX. GENERAL EMPLOYMENT POLICIES, REGULATIONS & PROCEDURES

Employees of ASCC shall familiarize themselves with this policies, regulations & procedures during their employment with the College.

A. **Work Hours (Traditional)** – (Ref: ASCC Governance 4402) -_The college working 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. Employees shall be notified in writing of any changes to this schedule.

B. **Work Schedule (Alternative)** – (Ref: ASCC Governance 4403) -_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: A shift worker; 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. Further clarification on this policy shall be provided by Human Resources.

C. **Break Periods** – (Ref: ASCC Governance 4404) -_Full-time, non-exempt employees are to be granted two work breaks during the workday. These work breaks are to be limited to no 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 work day. Specific times for taking work breaks by an employee will be contingent on the workload at the discretion of the supervisor.

B. **Docking of Pay** – (Ref: ASCC Governance 4400.2)- Employees who are consistently late in reporting to work may have their pay docked under certain circumstance. Employees whose cumulative absences from work

up to thirty (30) minutes or more in one work week may have time deducted from their paycheck upon approval by their Division Dean/Director.

D. **Time Clocks** – (Ref: ASCC Governance 4400.4) - Personnel required to punch a time clock to record their attendance each day, shall do so at the beginning and at the end of each work day, and during their lunch break when leaving the campus. The employee is required to personally punch his/her own time card “**no exceptions**”. Failure to punch in or punch out at the assigned clock location or to follow clocking instructions may result in time pay being docked. Employees are specifically prohibited from punching another employee’s time card. Violation of this policy will result in disciplinary action.

E. **Official Travel** – (Ref: ASCC Governance 3016) - All college official travel shall be properly authorized based on the availability of funds by the President. If approval is not obtained before departure, travelers shall be liable for the expenses incurred. Travel shall be reported in writing after every official trip, and reimbursed in accordance with the procedures of this policy. Personal travel is not to be charged to, or temporarily funded by the College. When an employee travels under the sponsorship of another organization, travel expenses shall not be charged to the ASCC account.

F. **Exceptions to Travel** – (Ref: ASCC Governance 3016.1) - Under extenuating circumstances, the President of the College or designated authority may approve exceptions to travel policy. The exception must specify the circumstances or need, dates of travel, and the name of the individual to whom the exception is granted. When approved, the reimbursement is limited to the actual costs incurred and must be supported by receipts.

G. **Orientation of Employee** (Ref: ASCC Governance 4007) - A new employee shall undergo an orientation to acquaint themselves with

ASCC’s policies & procedures, his/her job, and any internal and external working relationships.

H. **Probationary Period** (Ref: ASCC Governance 4007.2) - 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.

1. **Extension of Probation** - If a Department Dean/Director requires some additional time to make a final determination about the fitness of the probationary employee for the job, 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. Extension of probation shall be approved by the President of the College via Human Resources Department at least 30 days before the employee's probationary period is to expire.

2. **Notification of Successful Completion of Probation** - A recommendation for continued employment from the probationary employee's supervisor shall 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.*** An employee will be on probation status until Human Resources receives notification. 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.

I. Reemployment of Retired Employees (Ref: *ASCC Governance 4008.6*) - An employee who is retired and receiving a pension from ASG may be reemployed under conditions where no other can fulfill the job requirement offered. The rehire will be in compliance with ASAC Chapter 3, Title IV. Human Resources will notify the ASG Retirement Office to cancel their annuity for the duration of employment.

J. Promotion - (Ref: *ASCC Governance 4009*)

1. Eligibility - No employee shall be eligible to be promoted until he/she gains permanent status; however, a probationary employee may be admitted to a promotional examination if the announcement for the position has an established closing date and if the employee has served three months of their probationary period. Employees who are otherwise qualified will be admitted to promotional examination if they are within two months of the experience required by the minimum qualifications and are assigned to a position which provides qualifying experience.
2. Unsatisfactory Performance - A permanent employee who is promoted and fails to satisfactorily complete the probationary period shall be given 15 days written notice no earlier than 90 days after assuming the position. The President will notify the employee of the date he/she will revert to his/her former classification.
3. Rules of Promotion – This rule applies in determining the grade level and salary for promotion.

K. Lateral Movement/Reassignment (Ref: *ASCC Governance 4009.1*) - The President shall approve all lateral movement of ASCC employee by reassignment of a permanent or contract employee from one position to

another class within ASCC. If reassignment includes a promotion, the rules governing promotion apply.

L. Demotion (Ref: *ASCC Governance 4009.3*) - An employee who is demoted as a result of disciplinary or non-disciplinary, voluntary or non-voluntary reasons may not receive pay at a higher rate than he or she received before demotion.

M. Veteran's Preference – (Ref: *ASCC Governance 4100*) - Veterans shall receive preferential consideration in open competitive examinations as follows:

1. Ten additional points to a disabled veteran. The preference shall be used in open competitive examination only and not in promotional examination.
2. Five additional points to a veteran or the unmarried widow of a veteran. The preference shall be used in open competitive examination only and not in promotional examination

N. Outside Employment (Ref: *ASCC Governance 4206*)- ASCC employees shall not engage in or accept outside employment or render services with a person, firm, or corporation when such service or employment:

1. Is incompatible with the proper discharge of the duties and responsibilities of employment or would impair independence of judgment or actions in such employment; and
2. Involves such hours or work or physical effort that it would or could be reasonably expected to reduce the employee's quality or quantity of service to the College.

O. Intellectual Property – (Ref: *ASCC Governance 3026*)

1. Intellectual property created in whole or in part with College resources is subject to ownership by the College and the College retains the right to financial reward and claim for distribution governed by terms and conditions of an Ownership Agreement between the creator(s) and the College.
2. Intellectual property created with no College resources is the exclusive property of the creator(s) and the College has no interest in any such property and no claim to any financial reward or claim for distribution. (Resources: funds, electronics, materials, utilities, etc... of ASCC).
3. The use of College resources for personal gain or political promotion is inappropriate use of College resources and subject to reprimand.

Provides the opportunity for employees to engage in speech that is or may be perceived as related to the duties, responsibilities or administration of the American Samoa Community College; although these rights are protected under the First Amendment, ASCC has interests as an employer and a public agency in regulating the speech of its employees that may result in the unlawful release of confidential information or otherwise affect its mission. For the purposes of this policy, "confidential Information" means records or other information protected from public disclosure pursuant to federal or local law, or by court order or deemed by this agency to be exempt from disclosure pursuant to the Freedom of Information Act.

D. Official Correspondence – (Ref: ASCC Governance 3023)

Official correspondence shall be prepared on a pre-printed letterhead sheet containing the college logo, and official address. The letterhead shall only be used for official outgoing correspondence, signed by the President or designated staff/faculty authorized by the President to sign. There are two types of formats the college will use in preparation of official letters:

- **Standard Business Letter** - The standard business letter format shall be used in preparing outgoing official correspondence of the college.
- **Business Memorandum** is essentially an "internal" business letter usually called "memorandum", and shall be the key internal communication for the college.

X. COMMUNICATIONS

A. Communication Protocols – (Ref: ASCC Governance 3022) - The College’s approved organizational and department charts shall be used and implemented as the guide for communication protocols. Communication protocols shall abide the major organizational chart as a fundamental rule for college-wide matters, or a division organizational chart when an issue requires the attention of the division only.

B. Communication with the Media – (Ref: ASCC Governance 3022.1) The President and authorized designee are responsible for all media relations for the American Samoa Community College. This includes disseminating all press releases and handling all press inquiries. Employees contacted by any media representation should direct these calls and inquiries in a timely fashion to the President or designee. As a courtesy, they should notify the division Supervisor, and/or the President’s Office that a media representative has contacted them.

C. Freedom of Expression – (Ref: ASCC Governance 3022.2)

XI. HEALTH AND SAFETY

A. Safety Violation – (Ref: ASCC Personnel Governance 4203.1C) - Willful violation of ASCC Safety rules that endangers the safety or any person or ASCC property.

- **Violation of Safety Rules** – Any violation of ASCC’s posted or announced safety rules.

- Accident – Failure to report accidents or equipment casualties immediately.

making a credible threat with intent to place the other person in reasonable fear

B. **Violence in the Workplace** – (Ref: ASCC Governance 4207)- “Acts of threats of violence” include conduct against persons or property sufficiently severe, offensive, or intimidating to alter employment conditions or to create a hostile, abusive, or intimidating work environment for any college employee/student. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Examples of conduct that may be considered “acts or threats of violence” prohibited under this policy include, but are not limited to following:

1. **Prohibited Behaviors:**

- Hitting, kicking, punching, slapping or shoving an individual.
- Threatening to harm an individual or his/her family, friends, associates, or damage their property.
- The intentional destruction or threat of destruction of property owned, operated, or controlled by the college.
- Making harassing or threatening telephone calls, letters or other forms of written or electronic communications.
- Use of foul language directed at another person in a threatening or hostile manner.
- Intimidating or attempting to coerce an employee to do wrongful acts.
- Harassing surveillance, also known as “stalking”. The willful, malicious and repeated following of another person and

C. **Emergency Closing of the College Campus** (Ref: ASCC Governance 6210) - The President or designee shall have the authority to cancel classes and close the College because of extreme weather or other emergency conditions, after the Board of Higher Education has been notified.

D. **Campus Safety** (Ref: ASCC Governance 6220) - Accident prevention and efficient production go hand in hand. All levels of management have a primary responsibility for the safety and well-being of all employees, including students participating in their program. Safe practices on the part of all employees must be part of all operations.

E. **Security Inspections** (Ref: ASCC Governance 6312) - To maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, and other improper materials, ASCC prohibits the possession, transfer, sale or use of such materials on its premises.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of ASCC. ASCC at any time, either with or without prior notice shall inspect these when there is probable cause.

F. **Drugs and Alcohol on Campus Prohibited** (Ref: ASCC Governance 6313) - ASCC prohibits alcoholic beverages and narcotic drugs within all owned or leased college buildings, grounds, and vehicles. Violation of this policy results in automatic suspension of personnel from activities sponsored by the College.

G. **Smoke/Tobacco Free Environment** (Ref: ASCC Governance 6314) - ASCC facilities are a smoke/tobacco free environment except in designated smoking/tobacco use areas and parking lots. Persons violating this policy shall be subject to appropriate disciplinary action.

H. **Smoking Designation** (Ref: *ASCC Personnel Governance 4405*) - No smoking is allowed inside any of the college buildings or along structured corridors. Smoking on campus shall be designated by the Vice President of Administrative Services. Smokers are responsible for keeping the area clean and free of smoking debris. Violation of this policy may result in disciplinary action or payment of a fine.

I. **Fire-Arm and Deadly Weapon Prohibition** (Ref: *ASCC Governance 6315*) - The only exception to this rule shall be for licensed police officers in the performance of their duties.

The President is authorized and directed to have appropriate notices posted on all college premises to alert employees and any parties who enter these premises of the prohibition. Violation of this policy results in an immediate termination of an employee or expulsion of student from the college.

J. **Conditions of Reasonable Accommodations** – (Ref: *ASCC Governance 4209.1A*)

- a. Employees who are otherwise qualified to perform a job should notify their supervisor of physical or mental disabilities that impede job performance. ASCC will provide reasonable accommodation to employees with disabilities, provided these accommodations do not pose an undue hardship on ASCC or jeopardize of its employees or others.
- b. If an employee contracts a disease that is communicable to others and prevents him/her from performing essential duties of his/her job, or threatens the health safety of others at work, the employee may be placed on leave of absence based on the advice of a physician, as well as ASCC’s leave of absence policy and this policy on reasonable accommodations. Before returning to work,

the employee must provide ASCC with a written physician’s statement indicating that he/she can perform the required job duties and does not pose a threat to the health and safety of others at work. The note should also list any limitations that have been placed on the employee, and where practicable, state the reason for such limitations.

XII. EMPLOYEE RECORDS/INFORMATION

A. **Privacy Rule** – (Ref: *ASCC Governance 4205*) - ASCC will maintain files and records on all its employees, including personnel, leave and attendance, payroll, medical and training records. Employee files will remain in confidential and information will only be released to individuals other than the employee for duly authorized or college purposes or if a court or competent jurisdiction orders such disclosure.

B. **Employee Official File** – (Ref: *ASCC Governance 4205.2*) – The official employee file containing complete personnel data for each employee is maintained in the Human Resources Department. An employee may at any time schedule an appointment with a representative of the Human Resources Department to review his/her file.

1. **Access to Employee Official File** – (Ref: *ASCC Governance 4205.5*)

- a. Access to any employee file is restricted to the following:
- b. Human Resources Department employees in the performance of daily duties.
- c. An individual employee’s direct supervisor or appropriate Vice Presidents, Department Dean/Director with a business need to know.

- d. ASCC executives with a business need to know.
- e. Employee who is the subject of the personnel file.
- f. Other agencies conducting an investigation (e.g. FBI/Law Enforcement) and only when approved by the President

C. Notification of Changes (Ref: ASCC Governance 4205.6) - 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, as an employee's income tax status and other ASCC employee benefits may be affected by these changes.

D. File Retention (Ref: ASCC Governance 4205.8) - Personnel records of current employees will be filed and secured at the ASCC Human Resources Office. ASCC Archives will retain personnel files for five years after an employee's separation date.

E. Disclosure of Employee Information (Ref: ASCC Governance 4205.7) - All requests for employment verification or job references received by departments should be sent to Human Resources Office for handling. Requests for information about a current, retired, or terminated employee must be referred to the Human Resources Office. An employee shall authorize and consent to disclose their personnel information to prospective employers while employed with ASCC.

XIII. EMPLOYEE DEVELOPMENT

A. Appeal (Ref: ASCC Governance 4212) - ASCC provides an opportunity for an employee to appeal decisions made about their performance resulting in suspension, involuntary demotion, removal, change in working conditions, or disparate treatment. It is the right of employee to file an appeal to the Board of Higher Education, if an employee believes that the President's decision was inappropriately executed as a result of a grievance.

B. Grievance (Ref: ASCC Governance 4212) - ASCC has a grievance procedure for all permanent career service staff not on probation status. Prior to filing a written grievance, problems, concerns or complaints should be discussed with the immediate supervisor to see if settlement is possible. If no resolution is reached, the employee has 60 calendar days from the date upon which the action took place or when the grievant had knowledge of the alleged act.

In the process of filing a grievance or appeal, college personnel involved in or responsible for any aspect of a complaint, including the appeal process, shall maintain confidentiality throughout the process. ASCC prohibits retaliatory action taken against an employee who, in good faith, files a complaint under applicable federal and local statutes, and college policies, is suspected of having filed such complaints, has assisted or participated in an investigation or resolution of such complaints, or has protested practices alleged to violate nondiscrimination policies or regulations. A breach of the duty to preserve confidentiality is considered a serious offense and may be subject to appropriate disciplinary action.

If the grievance is one that violates civil rights, a grievance may be filed with the Equal Employment Opportunity Coordinator, HR Director. Instructions and forms are available from Human Resources office.

C. Employee Background Check (Ref: ASCC Governance 4213) - ASCC Human Resources Division, 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 to which they are applying.

D. Employee Performance Evaluation (Ref: ASCC Governance 4300) - A supervisor is required by policy to prepare a written evaluation on each employee's job performance once a year. The supervisor will evaluation

work performance in terms of job standards established for the position. He/she will discuss areas that need improvement or that have shown improvement, as well as establish goals for the future. Each employee will sign the report to indicate that he/she has reviewed it and has been involved in its preparation. Each employee will receive a copy of the report. The report is filed in the employee's official record with Human Resources.

E. **Disciplinary** – (Ref: ASCC Governance 4301) - ASCC uses progressive discipline to ensure staff compliance with performance standards, ethics, and conduct. Except in cases of repeated, willful or flagrant violations of these standards, a supervisor will not resort to formal disciplinary measures until informal attempts to correct the problem have failed. If a supervisor finds it necessary to use formal disciplinary measures, it is intended that the discipline be administered fairly, without prejudice and only for cause. Progressive discipline allows the employee the opportunity to correct performance conduct or behavior before action is imposed for violation.

F. **Corrective Action** (Ref: ASCC Governance 4302) – Division/ Department supervisors must make all constructive effort to help an employee under their leadership to achieve fully satisfactory standards of conduct and to correct the negative behavior, and will prepare documented disciplinary warnings of corrective measure or actions taken. The documentation of corrective action will become part of the employee's personnel record for a period of 12 months if no related disciplinary measures are recorded within that period. Documentation may be retained longer if, in the judgment of the Human Resources Director, it appears appropriate to do so. When it is finally removed from the file, the employee will be notified. *Corrective Action forms can be obtained from Human Resources.*

G. **Standard Schedule of Disciplinary Offenses & Penalties** (Ref: ASCC Governance 4303) - This guide provides a uniform code of penalties for a reasonably complete list of offenses. The range of

penalties is provided to give flexibility when dealing with particular situations in a progressive manner.

Standard Schedule of Disciplinary Offenses and Penalties – list the nature of offenses, and the range of penalties for each stated offenses. (Attached as Appendix – A)

H. **Employee Separation** (Ref: ASCC Governance 4304) - ASCC shall separate an employee from employment for reasons as indicated: termination, resignation, absences without leave, layoff due to reduction in force, death, retirement, and discharge. ASCC shall retain this information for reporting and decision making purposes on former employees.

1. **Termination Actions** - These are terminable actions, but not limited to:

- a. 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.
- b. Career employee who failed probation for permanent appointment as recommended by their supervisor and approved.
- c. 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.
- d. An employee who fails to provide the department dean/director with proper notice of resignation may be terminated.

2. **Resignation Conditions** - At any given time, voluntary resignation is subject to the following conditions:

a. **Notice** – Employee who voluntarily resigns from their position 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, the employee may 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. For faculty members who have successfully taught for 10 months will be paid his/her salary and all benefits up to the end of the school year.

b. **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.

c. **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.

d. **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. 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.

I. **Absences without Leave – Abandonment of Position** (Ref: ASCC Governance 4304.3) - 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 your employment and a voluntary termination.

J. **Layoff/Reduction in force** (Ref: ASCC Governance 4304.4)

It may be necessary for the College to lay off employees because of a shortage or stoppage of work, or because of funds, reorganization, or the abolishment of the position. When it is required that layoffs occur, and the College shall attempt to provide as much notice as possible if the need for a layoff becomes apparent.

XIV. CAMPUS REGULATIONS

A. **Building and Office Keys** (Ref: ASCC Governance 3025) - Keys will be distributed by the Vice President of Administrative Services/Finance Office. All keys are to be deemed controlled items and will not be duplicated without permission by an administrator. Deans/Directors and other supervisory personnel may be issued a key and retain an inventory of all keys issued to their staff members.

B. **Campus Parking and Traffic Controls** – (Ref: ASCC Governance 6400) - The College shall establish rules and regulations deemed necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

- Limit the speed rate;
- Assign parking spaces and designating parking areas and their use including parking for the disabled
- Prohibit parking as deemed necessary;
- Remove vehicles parked in violation of college rules and regulations or law at the expense of the violator;

- Institute a system of registration for vehicle identification and authorized to use college parking.

It shall be unlawful for any person to park a vehicle on any property under the control and jurisdiction of the College except in the manner designated by the College and in the spaces marked and designated. It shall also be unlawful to block or impede traffic through any driveway or college property. All laws regulating public traffic apply to the operation of vehicles that are College property. Enforcement of all College traffic and parking matters shall be the responsibility of campus security under the direction of the Director of Administrative Services. If an employee or student fails to adhere to the rules and regulations, they are subject to adverse personnel actions.

C. Use of and/or Removal of College Property from College Premises (Ref: ASCC Governance 6316) - The College administration, faculty, staff, and students are prohibited from:

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

In substantiated cases of misuse of those properties, the College may obtain full restitution, impose administrative sanctions, and refer violations of criminal statutes for prosecution.

D. Use of College-Owned Vehicles – (Ref: ASCC Governance 6410) College-owned vehicles are to be used exclusively for College related activities. The College may maintain vehicles to accommodate, to the extent possible, the transportation needs of students and staff on College business.

E. Eating Area Designations – (Ref: ASCC Governance 6430)

Eating and the preparation of meals and snacks are not permitted in public service areas and classrooms except in cases where a faculty member or office supervisor agrees to assume responsibility for cleaning (removing litter and food particles) the office or classroom area after the use of food and drinks. Food and drinks will not be permitted in the library, computer labs, science labs, technical labs and mechanical rooms.

F. Emergency Conditions – No employee will be expected to expose herself/himself to unusual physical danger in any emergency situation. The College will attempt to protect all members of the College community from such danger.

The President of the College is the **only authorized individual** to close the College in any of the following situations:

- Storms, other adverse weather conditions, or excessive discomfort at the workplace;
- Fires or Disasters
- Campus Disorders or Demonstrations
- Bomb Threats
- Strikes

The employee is expected to report to work in the event of any of the above situations.

Appendix

STANDARD SCHEDULE OF DISCIPLINARY OFFENSE & PENALTIES FOR AMERICAN SAMOA COMMUNITY COLLEGE EMPLOYEES

Instruction:

A. This list does not cover every possible type of offense. Penalties for offenses not listed will be prescribed as consistent with penalties for offenses of comparable gravity.

B. Many 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.

C. Penalties for disciplinary offenses will in general fall within the ranges indicated. In unusual circumstances, depending on the gravity of the offense, the past performance 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;

D. The suspension penalties listed herein are applicable to work days only.

Nature of Offense:

A. Unexcused, failure to clock/sign attendance record, otherwise check-in/out.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

B. Unexcused Tardiness

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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.

C. Unexcused or unauthorized absence on one (1) or more scheduled days of work.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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 five working days or when it appears the employee has abandoned his/her position. Extenuating circumstances offered by the employee should be considered.

D. Leaving the job to which assigned or College premises at any time during working hours without proper permission.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

E. Violating traffic regulations, reckless driving on college campus, or improper operation of vehicle: operating or authorizing the operation of, a college vehicle by one not possessing a valid driver's license.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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 creating hazard to others is not involved in offense.

F. Loafing or wasting time.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

G. Careless workmanship resulting in spoilage or waste of materials or delay in production.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

H. Failure or delay in carrying out orders, work assignments or instructions of superiors.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

I. Loss of, or damage to, ASCC property or the property of others, or endangering same, through carelessness;

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

J. Gambling or unlawful betting on ASCC premises.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

K. Covering up or attempting to conceal defective work; removing or destroying same without permission.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

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

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

M. Reporting for duty or being on duty under the influence of intoxicants; unauthorized possession of, or attempting, to bring, intoxicants on ASCC premises.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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.

N. Selling intoxicants on ASCC premises.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

O. Promotion of gambling on government premises.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

P. Sleeping during working hours.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

Q. Smoking in unauthorized places or carrying matches in explosive areas.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

R. Making false or unfounded statements which are slanderous or defamatory about other employees or officials.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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 ASCC 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 established facts.

S. Endangering the safety of, or causing injury to, personnel through carelessness.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

T. Malicious damage to ASCC/government property or property of others.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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

U. Actual or attempted theft of government property or the property of others.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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 for this offense.

V. Immoral, indecent, or notoriously disgraceful conduct.

# Occurrence in Reckoning Period	Range of Penalties	Stated Offense
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