



**OFFICE OF THE GOVERNOR  
AMERICAN SAMOA GOVERNMENT**

**EXECUTIVE ORDER 001 – 2023**

**AN ORDER TO ESTABLISH OVERTIME AND COMPENSATORY TIME POLICY**

**Section 1: Authority**

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111 (b).

**Section 2: Preamble**

**WHEREAS**, the management of overtime and compensatory time is essential to the stability, management, and financial stewardship of the American Samoa Government; and

**WHEREAS**, the responsibility for the management overtime and compensatory time falls squarely within the job duties and expected capabilities of the directors and management staff of the respective government agencies; and

**WHEREAS**, those in the directors and management staff positions are expected to diligently address overtime and compensatory time and take necessary steps to prevent or reasonably manage its occurrence; and

**WHEREAS**, the directors and management staff are required to work within the limits of their budgets and the law in the management of this issue;

**NOW THEREFORE, I, LEMANU P. S. MAUGA**, Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and the American Samoa Code Annotated, hereby execute this order.

**Section 3: Order**

It is the general policy of the American Samoa Government not to incur overtime or compensatory time if avoidable. Directors are ultimately responsible for management of work schedules to avoid overtime or compensatory time. Before any unavoidable overtime is incurred or compensatory time is accrued, the Director must be able to justify the necessity of such and determine that such additional personnel compensation can be funded within the agency's current budget. The use of overtime and compensatory time, when unavoidable shall be in compliance with the Fair Labor Standards Act.

The Director and management staff are responsible for preparing weekly work schedules to help ensure that forty (40) hours will not be exceeded and anticipate whether overtime will be required. They must closely track the hours worked by each employee to gauge potential overtime and to take corrective actions available to ensure that employees do not exceed 40 hours of work during the week as often as possible.

Successful management of overtime and compensatory time is depended on the diligence of Directors and management staff. It is imperative that directors pay close attention to actual time cards to determine that any unavoidable overtime or compensatory time does not cause personnel compensation expenditures above what is allowable in their current budget. In the past, some agencies developed a practice of only submitting 80 hours per pay period and then maintaining internal logs to keep hours in excess of the standard 80 hour pay period. Directors were instructed that this practice was to cease immediately under Executive Order 07-2017. This practice shall not be resumed and is forbidden under this Executive Order. Time cards are to reflect all of the hours worked during the indicated pay period.

Directors shall take ownership of the overtime and compensatory time for their respective agencies. Directors and their management staff will create procedures to monitor, review, approve, and account for overtime and compensatory time. If personnel costs are being funded through grants received, Directors should ensure those funds are being used to pay personnel consistent with the rules and regulations governing the respective grant program. All Directors should understand that overtime and compensatory time use above and beyond their current budget is not allowed. Each department, agency, and office shall provide a monthly report on the 15<sup>th</sup> day of the month following the reported month to the Governor of all overtime and compensatory time accrued by their employees broken down by the accruing employee and the amount of overtime and compensatory time accrued.

**Section 5: Repealer**

Executive Orders 07-2017 is repealed.

**Section 6: Effective Date**

This order shall take effect immediately.

Date:

5 JAN. 2023



Lemanu P. S. Mauga  
Governor of American Samoa