



LEMANU P. S. MAUGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
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TALAEUGA E. V. ALE
LIEUTENANT GOVERNOR

EXECUTIVE ORDER 008-2021

AN ORDER TO ESTABLISH A CODE OF ETHICS FOR THE EXECUTIVE BRANCH

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, it is essential that the government function in a manner consistent with the highest ethical standards; and

WHEREAS, consistent policies on ethics should be applied to all executive officers and employees; and

WHEREAS, employees should use their powers and resources to further the public interest and not for any financial or other personal benefit, other than salaried compensation and employer-provided benefits; and

WHEREAS, government employees must safeguard their ability to make objective, fair, and impartial decisions and therefore should not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was likely to influence a pending or future decision or to reward a past decision; and

WHEREAS, American Samoa Government employees must avoid any conduct, whether in the context of business, financial, or social relationships, which might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

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: Adoption and Publication of the Code of Ethics

- (a) The Code of Ethics in Section 4 (below) is hereby adopted.
- (b) A one-page version of the Code of Ethics will be produced in English and Samoan. It shall be posted at each agency, and a copy will be provided to each employee.
- (c) Each employee will acknowledge receipt of a copy of the Code of Ethics by signing and returning it to their supervisor.

Section 4: Code of Ethics

- (a) Leadership
 - (1) All employees of the government are expected to be leaders regardless of their positions. If you are not in a position of leadership, you can still set the example for others to follow.
 - (2) Employees should build consensus and accommodate diverse opinions in order to make decisions through effective communications.
 - (3) Employees shall hold themselves and their coworkers accountable.
 - (4) Leaders should understand that people make honest mistakes. Employees who are treated fairly when they are honest and tell their supervisors about their errors will work harder to prevent future problems.
- (b) Integrity
 - (1) Employees shall not solicit or accept tips, gifts, or any other payment to allow any person to bypass normal procedures or to perform a service that is normally done without charge.
 - (2) Employees shall make every effort to avoid the appearance of a conflict of interest. In cases where there is a potential conflict, the employee shall report it to their supervisor. Supervisors will determine if there could be the appearance of conflict of interest and take appropriate actions to ensure the integrity of government processes.
 - (3) Employees may not engage in any private business which contracts with their own agency.
 - (4) Employees shall accept the responsibility to expose corrupt, unethical behavior, fraud, waste, and abuse.
 - (5) Employees who handle money shall comply with written rules and procedures.
- (c) Commitment
 - (1) Employees are expected to work and perform their duties diligently.
 - (2) Employees should treat every person equally with fairness and dignity regardless of sex, race, color, religion, national origin, age, disability, and political affiliation.
 - (3) Sexual harassment is prohibited. All employees will commit themselves to creating a professional environment that is fair and welcoming.
 - (4) Employees shall act in good faith and in a professional, responsive, and courteous manner.
 - (5) Employees will comply with the laws of American Samoa.

Section 5: Ethics Officer

- (a) The Territorial Auditor is designated as the Chief Ethics Officer for the Executive Branch.

- (b) The Chief Ethics Officer will coordinate training of Ethics Officers throughout the Executive Branch.
- (c) Each agency in the executive branch will designate an Ethics Officer and inform the Chief Ethics Officer of the designation.
 - (1) Ethics Officers shall conduct training for all employees within their agencies no less than once a year.
 - (2) Agency Ethics Officers shall be available to employees within their departments for questions about ethical questions.
 - (3) The Chief Legal Counsel is designated as the Ethics Officer for the Office of the Governor.
- (d) Training for Ethics Officers throughout the Executive Branch shall be conducted quarterly.

Section 6: Enforcement

- (a) Reports of violations of this order may be made to the agency Ethics Officer, the Director or the head of the agency involved, the Attorney General, the Director of Human Resources or the Territorial Auditor.
- (b) Any person who receives a report of violation of this order shall refer that report to the Ethics Officer of the agency where the ethical violation is alleged to have occurred.
- (c) If there is a reason to believe that the Ethics Officer in the agency will not conduct a proper investigation, the report shall be forwarded to the Chief Ethics Officer who will designate an Ethics Officer from another agency to conduct an investigation.
- (d) Ethics Officers may request the assistance of the Department of Public Safety, the Territorial Auditor, or any other agency to assist with the investigation.
- (e) Ethics Officers will provide a monthly report to the Chief Ethics Officer of all reports of violations of this order and the status of any investigations that were investigated or concluded in the last month.
- (f) Violations of the Code of Ethics or this order may be disciplined pursuant to A.S.C.A. § 7.0801 and A.S.C.A. § 4.0703.
- (g) Retaliation against any person who reports unethical or illegal conduct in good faith is prohibited.

Section 7: Applicability of Other Laws

Nothing in this order affects the enforceability of Title 7 of The American Samoa Code Annotated or Title 4 of the American Samoa Administrative Code.

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Section 8: Effective Date

This order shall take effect immediately and will remain in effect until January 3, 2025 unless it is extended, superseded, amended or repealed.

Date: Dec. 13, 2021


LEMANU P. S. MAUGA
Governor

CODE OF ETHICS
FOR THE EXECUTIVE BRANCH OF THE AMERICAN SAMOA GOVERNMENT

Leadership

All employees of the government are expected to be leaders regardless of their positions. If you are not in a position of leadership, you can still set the example for others to follow.

Employees should build consensus and accommodate diverse opinions in order to make decisions through effective communications.

Employees shall hold themselves and their coworkers accountable.

Leaders should understand that people make honest mistakes. Employees who are treated fairly when they are honest and tell their supervisors about their errors will work harder to prevent future problems.

Integrity

Employees shall not solicit or accept tips, gifts, or any other payment to allow any person to bypass normal procedures or to perform a service that is normally done without charge.

Employees shall make every effort to avoid the appearance of a conflict of interest. In cases where there is a potential conflict, the employee shall report it to their supervisor. Supervisors will determine if there could be the appearance of conflict of interest and take appropriate actions to ensure the integrity of government processes.

Employees may not engage in any private business which contracts with their own agency.

Employees shall accept the responsibility to expose corrupt, unethical behavior, fraud, waste, and abuse.

Employees who handle money shall comply with written rules and procedures.

Commitment

Employees are expected to work and perform their duties diligently.

Employees should treat every person equally with fairness and dignity regardless of sex, race, color, religion, national origin, age, disability, and political affiliation.

Sexual harassment is prohibited. All employees will commit themselves to creating a professional environment that is fair and welcoming.

Employees shall act in good faith and in a professional, responsive, and courteous manner.

Employees will comply with the laws of American Samoa.

Procedure

Reports of violations of this order may be made to the agency Ethics Officer, the Director, the Territorial Auditor, the Attorney General, or the Director of Human Resources.

Violations of the Code of Ethics may result in disciplinary action.

Retaliation against any person who reports unethical or illegal conduct in good faith is prohibited.

Department/Agency: _____

Ethics Officer: _____

Received by: _____

Date: _____

TULAFONO AMIOGA TATAU

Ta'ita'iga

O tagata faigaluega uma i le malo e tatau ona iai uiga o se ta'ita'i e lē afaina i lona tulaga i le galuega. E mafai ona avea oe ma faata'ita'iga e mulimuli ai nisi e ui ina e lē iai i se tulaga ta'ita'i.

E tatau i tagata faigaluega ona fausia maliega fai faatasi ma faafofoga i finagalo eseese ina ia taunuu i faai'uga e faavae i fesoota'iga lelei ma le aogā.

E tatau i tagata faigaluega ona tausisi i lo latou faatuatuaina ma ia faapena o latou soa i galuega.

E tatau i ta'ita'i ona malamalama e tutupu sasi lē fuafuaina i tagata uma. O tagata faigaluega e ona fai pe a faamaoni ma faailoa i o latou pule e uiga i se sasi, o le a faasili le galulue malosi e puipui ne'i toe iai nisi faaletonu.

Faamaoni

E lē tatau i tagata faigaluega ona faatosina pe talia ni lafo, meaalofo, poo se totogi e laasia ai se faasologa masani pe faatino se auaunaga e masani ona faia e aunoa ma se tau.

E tatau i tagata faigaluega ona taumafai i auala uma e 'alo ese ai i se vaaiga o ni mana'oga feteena'i. I mataupu e ono iai se feteena'iga, e tatau ona faailoa e le tagata faigaluega i lo latou pule. O pule galuega e faia le tonu po ua vaaia se feteena'iga i mana'oga ma fai gaoioiga talafeagai e faamautinoa ai le faatuatuaina o faagasologa a le malo.

E lē tatau i tagata faigaluega ona aafia i se pisinisi tuma'oti o loo faakonekarate e la latou lālā.

E tatau i tagata faigaluega ona talia lona tiute tau'ave o le faailoa o auala eleelea, amioga lē taupulea, taufaasese, faataugā, ma le faileagaina.

E tatau i tagata faigaluega e taulimaina tupe ona usita'i i tulafono tusitusia ma faagasologa.

Tuutōina

E tatau i tagata faigaluega ona galulue ma faatino o latou tiute ma le filifiliga.

E tatau i tagata faigaluega ona faitutusa tagata uma ia tonu ma aloa'ia ma le lē faailoga itupa, atunuu, lanu, tapua'iga, malō e sau ai, tausaga, faaletonu tumau, ma se itu faaupufai o malo.

E faasā le faasoesā faafaigāusuga. E tatau i tagata faigaluega uma ona tuutōina i latou e faatupu se si'omaga faaporofesa e tonu ma alo lelei i tagata.

E tatau i tagata faigaluega ona faatino i le talitonu lelei ma se uiga faaporofesa, feagai lelei, ma le faaaloalo.

E usita'ia e tagata faigaluega tulafono a Amerika Samoa.

Faagasologa

O faailoaga uma o le solia o lenei poloa'iga e ao ina faia i le Ofisa o Amioga Tatau, Faatonu, Su'etusi a le Teritori, le Loia Sili, poo le Faatonu Matagaluega o Alagāmanuia Tagata Faigaluega.

O le solia o lenei Tulafono o Amioga Tatau e faasalaina ai i le tulafono.

O le faasagatau i se tasi na te faailoa i le loto lelei se amioga lē tatau pe faasolitulafono e faasāina.

Matagaluega/Ofisa: _____ Ofisa Amio Taupulea: _____

Sainia e: _____ Aso: _____