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**FIRST AMENDMENT TO THE DECLARATION OF
ONGOING PUBLIC HEALTH EMERGENCY AND
STATE OF EMERGENCY DATED OCTOBER 8, 2021**

WHEREAS, the Declaration of Ongoing Public Health Emergency and State of Emergency dated October 8, 2021 is currently in effect in the Territory of American Samoa; and

WHEREAS, the Territory of American Samoa is allowing limited commercial airline flights from Hawaii; and

WHEREAS, public employees routinely interact with the public and other employees; and

WHEREAS, the Government of American Samoa desires to protect the health of its employees and the public; and

WHEREAS, the Food and Drug Administration (“FDA”) has given approval to the Pfizer-BioNTech COVID-19 vaccine, and granted Emergency Use Authorization for COVID-19 vaccines made by Moderna and Johnson & Johnson, and that all three vaccines meet its relevant standards for safety and effectiveness; and

WHEREAS, the Centers for Disease Control stated that vaccination remains the best way to protect people and reduce the spread of the virus and preventing new variants from emerging;

NOW THEREFORE, I, Lemanu P. S. Mauga, Governor of American Samoa, Amend the Declaration of Ongoing Public Health Emergency and State of Emergency dated October 8, 2021 (herein “Declaration”):

The Territory remains in Code BLUE as amended below.

Paragraph 1(A) is repealed and replaced in its entirety by the following:

(A) Vaccination is a very effective method of protecting the people of American Samoa. Everyone is encouraged to vaccinate as soon as they are eligible.

- (i) Full course of vaccination against COVID-19 is mandatory for all Executive Branch employees of the American Samoa Government, including but not limited to career service employees, political appointees, and contract employees. Semi-autonomous authorities and entities which have their own personnel hiring, compensation, leave, disciplinary and termination rules and policies will adopt their

own rules for their employees COVID 19 vaccine requirements.

- (I) Employees must provide the Director of Human Resources with evidence of having completed the full course of vaccination against COVID-19 that is approved by the FDA or the World Health Organization by December 15, 2021. Departments and agencies may collect proof of vaccination from their employees on behalf of the Director of Human Resources.
- (II) Employees whose full course of vaccination requires two doses are reminded that the recommended interval between the first dose and second dose is 21 days for the Pfizer vaccine and 28 days for the Moderna vaccine. Thus, an employee would need to receive the first Pfizer dose by November 24, 2021 or the first Moderna dose by November 17, 2021 in order to meet the December 15, 2021 deadline.
- (III) Evidence of full course of vaccination must be documented in the form of a copy of the record of immunization from a health care provider or pharmacy, a copy of the COVID-19 Vaccination Record Card, a copy of medical records documenting the vaccination, a copy of immunization records from a public health or state/territory immunization information system, or a copy of any other official documentation containing the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s). Employees may be required to certify under penalty of perjury that the documentation they are submitting is true and correct.
- (IV) Employees who fail to provide evidence of vaccination as required by Subparagraph (I) or do not have an approved accommodation under Subparagraph (VII), will not be permitted to work in any position inside a government-owned or leased building, or a government-owned or leased vehicle, or any worksite or location where they will be in the presence of other ASG employees or members of the public in the course of their employment.
- (V) Any employee who does not comply with Subparagraph (I) shall be suspended by employee's department or agency and the Director of Human Resources until the employee provides proof of vaccination as required by Subparagraph (I), the employee has an approved accommodation under Subparagraph (VII), or the ongoing public health emergency and state of emergency is over. Pursuant to A.S.A.C. §§ 4.0802(e) and 4.1005(a)(2), employees may use their accumulated annual or sick leave while they are suspended. Otherwise, the suspension shall be without pay.
- (VI) Nothing in this Declaration prohibits the termination of an employee for violation of standards established administratively which govern employee conduct and deportment pursuant to A.S.C.A. § 7.0801 or abandonment of

position pursuant to A.S.C.A. § 7.0804.

- (VII) Exceptions to the vaccination requirement of this Amended Declaration of Ongoing Public Health Emergency and State of Emergency will only be permitted as required by law. A reasonable accommodation may be provided to employees who communicate in writing to the Department of Human Resources that they are not vaccinated against COVID-19 because of a disability pursuant to the Americans with Disabilities Act (42 U.S.C. § 1201 *et seq*) or a valid medical reason or because of a sincerely held religious belief, practice, or observance. Requests for exemptions and accommodation must promptly be directed to the Director of Human Resources. Determining whether an exception is legally required will include consideration of relevant factors, including the basis for the request; the nature of the employee's job responsibilities; and the reasonably foreseeable effects and any burden on government operations; and the protection of other employees and the public from COVID-19.
 - (VIII) The Department of Human Resources shall notify ASG department and agency directors of any employees who have failed to provide proof of a full course of vaccination without having applied for and been granted an exemption or accommodation.
 - (IX) No employee hired after the effective date of this Amendment shall begin work until they demonstrate that they can comply with Subparagraph (I) or they are granted an exception and accommodation pursuant to Subparagraph (VII).
- (ii) Full vaccination¹ is required prior to entering American Samoa for any person who is 16 years old or older unless the person is not medically qualified.

This amendment to the Declaration will be effective immediately and will remain in effect until the Declaration expires.

Dated: Nov 01, 2021



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¹ For purposes of this Declaration "full vaccination" means that the person has received the full course of vaccination and 14 or more days have elapsed after the final administration of the vaccine.