

- PTD benefit shall be 66-2/3% of the employee's average weekly wages which shall be paid during the continuance of such total disability.

(ii) Permanent Partial Disability Benefit (PPD):

- PPD provides compensation for the loss or partial loss of a bodily member – primarily the limbs, hearing, and vision. These injuries are also given specific compensation weeks under the Act. PPD payments shall only be 66-2/3% of the employee's average weekly wages which shall be in addition to any compensation for TTD or TPD.
- The compensation for all other PPD injuries not specified above requires the employee to show proof of any loss in wage-earning capacity. Thus, PPD benefit for these non-scheduled injuries shall be two-thirds of the difference between the employee's average weekly wages and his or her wage-earning capacity thereafter in the same employment.

Death Benefits:

- (i) Reasonable funeral expenses not exceeding \$1,000.00;
- (ii) 35% of employee's average weekly wages to the surviving or dependent spouse until death or remarriage (only 2 years compensation in one sum upon remarriage).
- (iii) 15% of employee's average weekly wages to the surviving or dependent child under the age of 18 years old.
- (iv) If there is no surviving spouse or child, or if the amount payable to a surviving spouse and children is less in the aggregate than 66-2/3% of the average wages of the decedent, the following dependents may be eligible to receive the following: 15% of such wages to grandchildren, brothers, and sisters under the ages of 18 years old; 25% of such wages to each of the dependent parents or grandparents. All questions of dependency shall be determined as of the time of the injury.

Maintenance of Vocational Rehabilitation:

- An employee undergoing vocational rehabilitation for remunerative occupation shall receive compensation for maintenance not to exceed \$10.00 a week.

Is the employee required to report an injury?

Yes. An injured employer is required under the Act to report any injury at work within 30-days to the employer and carrier using prescribed form approved by the Commission.

Is the employer required to report an injury?

Yes. An employer is fully mandated by the Act to report any employee injury or death at work within 10-days to the Commission using the prescribed notification form approved by the Commission, including a copy to the carrier and employee. The employer is also required by the Act to retain a record of all such injury reporting notifications and to furnish or provide such records upon request of the Commission at any time.

What else does the employer needs to do to comply with the Act?

A qualified employer must ensure to secure a workmen's compensation insurance policy with an authorized insurance carrier and to post the *Notice of Coverage Secure* issued by the carrier within a conspicuous place of the employment premises. Failure to secure compensation payment is a Class A Misdemeanor.

All employers must also secure the proper compliance certificate with the Commission's Office and to post such certificate at conspicuous place at place of business or reemployment premises. A qualified employer must secure a *Certificate of Compliance* while a *Certificate of Non-Coverage* for exempted employers. Failure and violation of compliance certificate is a Class A Misdemeanor.



**AMERICAN SAMOA WORKMEN'S
COMPENSATION ACT**

INJURY REPORTING, CLAIMS, & BENEFITS

Office of the Workmen's Compensation Commission
American Samoa Government
P.O. Box 39
Pago Pago, AS 96799

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What is the Workmen's Compensation Act?

An Act passed by the Tenth Legislature of American Samoa which provides for the payment of compensation to employees while absent from work due to injury or under certain conditions due to illness. Death benefits for the heirs of employees are also available. This Act became effective on July 1, 1968.

Who is covered under the Act?

All persons or employers conducting business in the Territory of American Samoa except for the following:

- (i) Employers having two or less employees;
 - (ii) Any persons or employer whose rule of liability for injuries or death is provided by the laws of the United States (e.g.; U.S. government employees).
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Who pays for compensation?

All qualified employers are required to secure a workmen's compensation insurance coverage with an authorized insurance carrier to guarantee payment of compensation. American Samoa Government is fully covered by the Act as a self-insurer. Employees do not pay anything for these benefits.

Are employees allowed to pay compensation?

The Act prohibits an employer to impose or enact any agreement for an employee to pay any portion of a premium paid by the employer to a carrier, or to contribute to a benefit or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by the Act. Any employer who makes a deduction for such purpose from the pay of any employee entitled to such benefits covered by the Act is guilty of Class C Misdemeanor.

How may an employee not receive compensation?

Compensation will not be paid if the injury or death is caused by the employee's intoxication or by his or her willful intention to injure or kill himself or another, or the employer disputes and controverts right of compensation of an employee's claim as work-related or other reasons.

How does an employee apply for compensation?

For compensation, an employee must file an official claim with the employer's authorized insurance carrier (or directly with the employer if self-insured). To file a claim before the Commission, visit the Commission's Office.

When can an employee may file a claim?

An employee may file a claim for compensation at any time after the first 7 days of disability following any injury or at any time after death as long it is filed within one year after the injury or death.

Will a claim be barred if not filed within one year after injury or death?

No. Failure to file a claim within the prescribed period shall not bar a claim unless an objection to such failure is made at the employee's first informal hearing in which all parties in interest are given reasonable notice and opportunity to be heard.

When does compensation for disability starts?

No compensation is allowed for the first 3 days except for medical benefits. If disability continues for 14 calendar days or more, compensation shall be allowed from the date of disability as to where full wages were discontinued. An employee will not receive compensation if his or her full wages continued during disability even if leave hours are used to cover such full wages.

What are the benefits?

Medical Benefits:

- Furnishing and payment of medical, surgical, and other attendance or treatment, nurse, hospital service, medicine, crutches, and apparatus required for the treatment or recovery of injury
- Reimbursement of any medical or allowable expenses paid by the employee out of pocket on the injury.

Wage & Time Loss Benefits:

- (i) Temporary Total Disability Benefit (TTD):
 - TTD benefit provides compensation if the employee suffered unpaid hours or time-loss compensation while on disability and medical treatments.
 - TTD payments shall be 66-2/3% of the employee's average weekly wages. No TTD payments shall be issued unless full-wages are discontinued.
- (ii) Temporary Partial Disability Benefit (TPD):
 - TBD benefit provides compensation if the employee suffered any decrease in wage-earning capacity with the same or another employer due to his or her injury.
 - TPD payments shall be two-thirds of the difference between the claimant's average weekly wages before the injury and the claimant's wage-earning capacity after the injury in the same or another employment. TPD benefits cannot exceed 5 years.

Impairment Disability Benefits:

- (i) Permanent Total Disability Benefit (PTD):
 - PTD benefit provides compensation for the loss or loss of use of both hands, both arms, both legs, both eyes, or any two thereof in the absence of conclusive proof to the contrary. For all other cases, PTD shall be determined in accordance with facts whereby a permanent impairment eval is also required with a rating of 100%.