

Contracts Management Manual

APPENDIX 37.2 D

No work may be performed under this order until the student or recent graduate signs and dates the following:

Acknowledgment of Special Terms

The student or recent graduate acknowledges that he/she fully understands and accepts the following special terms of this order:

A. The U.S. Government will be responsible under the provisions of chapter 81 of Title 5, United States Code for compensating the student or recent graduate in the same manner as a Federal employee for any injury suffered while performing services under this order.

B. The student or recent graduate is protected from personal common-law tort liability for damages to third parties arising out of his/her work under this order under the same broad-based immunity provided to Federal employees under the Federal Tort Claims Act (Chapter 171 of Title 28 of United States Code).

This protection does not apply to claims brought against the student or recent graduate for money damages for a violation of the Constitution or for violation of a statute of the United States under which such action against an individual is otherwise authorized, and will not apply to damages that are the result of unauthorized or expressly prohibited actions or gross negligence on his/her part. Properly licensed students or recent graduates may be allowed to drive Government vehicles, if required to do so by the statement of work.

C. For all other legal and tax purposes, the student or recent graduate is regarded as an independent contractor.

D. Payments for services performed under this order are reportable and taxable as earned income.

1. Federal, State or local income taxes will *not* be deducted by EPA from payments made under this order. As a self-employed individual, the student is responsible for payment of all such taxes on income received under this order.

2. No Social Security (FICA) or Medicare taxes will be deducted by EPA from payments made under this order. As a self-employed individual, the student is responsible for payment of all such taxes on income received under this order.

3. EPA's Office of Chief Financial Officer will report the total amount paid under this order to the U.S. Internal Revenue Service on a Standard Form 1099 at the end of the

calendar year. The student or recent graduate is not considered to be an employee, and thus will not receive a W-2 form.

E. In order for EPA to process payments to the student or recent graduate, the student or recent graduate must have a checking or savings account at a financial institution that will accept direct deposits of Federal funds through Electronic Funds Transfer.

F. The student or recent graduate will be issued a building pass (ID card) and/or parking permit.

These items must be returned to EPA at the completion of the order. Prior to obtaining a building pass, the student or recent graduate is required to undergo a background check and suitability determination by EPA. If a background check reveals information that the student or recent graduate represents a risk to the interests of the EPA, the order will be terminated immediately.

G. If the student or recent graduate is given access to EPA computers, he/she will be required to complete computer security awareness training and comply with the EPA Policies for information Resources Management. Irresponsible use of network passwords or other unacceptable security violations will result in termination of access to EPA computers and may result in termination of this order.

H. Each student or recent graduate should avoid any outside activity or employment that creates a real or apparent conflict of interest with his/her EPA work. When there is doubt about the propriety of outside activities or employment, the student or recent graduate should consult with his/her Contracting Officer's Representative. Students or recent graduates will observe regulations governing conflicts of interest, standards of ethical conduct, lobbying and soliciting funds, and gifts from outside sources, in the same manner as "special employees." Students or recent graduates are not subject to financial disclosure requirements or post-employment restrictions which apply to Federal employees.

I. Vaccinations and Immunizations/Medical Monitoring/Health and Safety Training

1. Vaccinations and Immunizations

a. Before beginning certain types of work, the student or recent graduate may be offered non-mandatory vaccinations, immunizations, or treatments as specified in the Statement of Work. The purpose of these vaccinations, immunizations, or treatments is to safeguard the health of those whose work may expose them to health or safety risks in the environment.

i. EPA will bear all costs for the administrations of the offered vaccinations, immunizations, or treatments provided that the student or recent graduate receives such treatment at the time and location designated by the Contracting Officer's Representative.

ii. Student or recent graduates electing to receive vaccinations, immunizations, or treatments from sources other than those designated by the Contracting Officer's Representative will not be reimbursed for any costs associated with such treatment.

b. Students or recent graduates that elect not to receive vaccinations, immunizations, or treatments from either the Government or private source will be required to sign a form letter acknowledging that they have declined the offered treatment. A student or recent graduate who declines the vaccinations, immunizations will not be covered by the Government for costs of or treating illnesses that could have been avoided by taking the recommended immunization therapy, unless the student or recent graduate provides written documentation from a physician certifying to the student's or recent graduate's intolerance of the immunization drugs.

c. Students or recent graduates who have already received vaccinations, immunizations, or treatments suggested by the Statement of Work may provide copies of shot records or other evidence acceptable to the Contracting Officer's Representative in lieu of receiving a new round of treatment or signing the declination letter. The Contracting Officer's Representative will retain copies of such evidence in the files related to the student's or recent graduate's work.

2. Medical Monitoring

a. Students or recent graduates whose contract requires work with or around hazardous substances, may be offered medical examinations to identify any adverse health effects related to exposure. These examinations, when offered, will be paid for by the Government.

b. These medical examinations have been constructed in order to answer specific questions about exposure risk and health in the work place. These examinations are not meant to be "wellness" examinations. Participation in these examinations should not be construed as an adequate substitute for periodic examinations by the students' or recent graduates' personal physicians. The types of evaluations that may be performed are baseline, periodic, and exit.

c. Baseline evaluations are done to characterize the state of health of the individual prior to commencing work in a new assignment. It may be conducted in order to assess the individual's health status in relation to the special demands of the proposed job assignment.

d. Periodic evaluations are performed to identify and measure any adverse effects from occupational activities, and to control risks from occupational exposures.

e. Exit evaluations are conducted when an individual terminates a given position that requires medical surveillance. This examination is performed to document the health status for the individual of an individual at the end of work in a particular position.

3. Health and Safety Training

Students or recent graduates will be expected to participate in health and safety training, at the Government's expense, to make them aware of safety programs and policies at EPA. These include initial safety, health, and environmental management training, laboratory

health and safety training, and field activity training. It also includes general safety, personal protective equipment, physical hazards and chemical hazards training. This training is required under Federal, OSHA, EPA, DOT, and NRC regulations.

J. Except for extending coverage under items A. and B. above, the student or recent graduate is not, for any other purpose, considered to be a Federal employee and no rights or benefits as such will accrue to the student or recent graduate.

(Printed name)

(Signature) _____

(Date) _____