

January 22, 2010

DA 2222

ASSISTANT VICE CHANCELLOR – HUMAN RESOURCES

RE: Delegation of Authority 2222 – To Approve Settlements of Claims and Separation Agreements With a Value of \$100,000 or Less

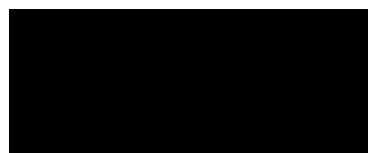
Effective immediately and in accordance with Chancellor Birgeneau's letter of May 29, 2009, I am re delegating to you the authority to approve separation or settlement agreements in non-litigated employment matters involving consideration of \$100,000 or less. Exceptions to this authority include individuals whose compensation requires approval of The Regents and Human Resources employees.

Separation or settlement agreements in non-litigated employment matters involving consideration of more than \$100,000 will require approval by the President and the proposed agreement must be submitted to the Chancellor for forwarding to the President.

As used in this delegation, "claim" refers to any demand for payment from an entity or other individual (including employees) which is disputed in whole or in part and is made other than through litigation.

This delegation supersedes DA 2214 and replaces Delegation of Authority 2214 issued on September 17, 2009. Please refer to President Yudof's May 29, 2009 letter for additional approval and reporting requirements.

Please contact Campus Delegations Coordinator Cindy Major, Chancellor's Communications & Resource Center, @ 2-3115 or cmajor@berkeley.edu with any concerns you may have regarding this delegation of authority.



Nathan Brostrom
Vice Chancellor – Administration

cc: Universitywide Policy Coordinator N. Capell
Associate Chancellor L. Williams
Audit & Advisory Services W. Riley
✓ Campus Delegations Coordinator C. Major
Chief Campus Counsel and Associate General Counsel M. Smith



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May 29, 2009

**CHANCELLORS
DIRECTOR, LAWRENCE BERKELEY NATIONAL LABORATORY**

Delegation of Authority--To Approve Settlements of Claims and Separation Agreements With a Value of \$100,000 or Less and Voluntary Separation Program Agreements of Less Than \$50,000

On November 20, 2008, The Regents issued a new *Policy on Settlement of Litigation, Claims and Separation Agreements* (available online at: <http://www.universityofcalifornia.edu/regents/policies/6126.html>). The new Policy amended the *Policy on Settlement of Litigation and Non-Employee Claims* (approved in September 1995 and amended in July 2000 and May 2006), and replaced the *Interim Policy on Separation Agreements and Settlement of Employee Claims*.

The *Policy on Settlement of Litigation, Claims and Separation Agreements* authorizes the President to approve claims and separation agreements with a value of \$500,000 or less. As used in the Policy, a "claim" is a disputed demand for payment from an entity or individual (including employees) made other than through litigation (litigation is defined as legal proceedings in the form of a lawsuit, arbitration proceeding, or internal or external administrative proceeding; settlements involving litigation must go through the General Counsel). A "separation agreement" is an agreement with an employee by which the employee separates from University employment, but which does not involve a claim or litigation. Commercial negotiations to adjust amounts payable under a contract shall not be treated as claims.

With the exception of separation agreements reached through Local Voluntary Separation Programs, you are authorized to approve settlements of non-litigated claims and separation agreements for matters under your respective jurisdictions, when the consideration paid or received is \$100,000 or less. Litigated settlements must be reviewed and approved by the Office of General Counsel. Per the Implementation Guidelines for Local Voluntary Separation Programs (VSP), individual VSP severance payments cannot exceed \$75,000 and any individual payment of \$50,000 to \$75,000 must be approved by the President (see DA ~~2188~~, April 3, 2009 and the VSP Guidelines at <http://www.ucop.edu/ucophome/coordrev/da/da2218guidelines.pdf>). → correct # is "2218"

All settlements of litigation and claims and separation agreements for Officers of the University or Officers of The Regents will require approval by The Regents, as will any litigated settlements or separation agreements that involve significant questions of University policy.

A report of settlements and separation agreements involving consideration of \$50,000 or more must be transmitted to the General Counsel through your campus counsel for required reporting to The Regents.

This letter replaces Delegation of Authority 2144* 2214 issued on December 12, 2008.

[original signed by M. Yudof]

Mark G. Yudof
President

cc: Executive Vice President, Business Operations
Members, President's Cabinet
Principal Officers of the Regents
Universitywide Policy Office

*typographical error: correct # is "2214"