The Regents of the University of California

COMMITTEE ON COMPENSATION
January 21, 2016

The Committee on Compensation met on the above date at UCSF–Mission Bay Conference Center, San Francisco.

Members present:	Regents Elliott, Gould, Island, Lansing, Ortiz Oakley, Pattiz, Reiss, and Sherman; Ex officio members Lozano and Napolitano; Advisory members Chalfant and Ramirez
In attendance:	Regents Davis, De La Peña, Gorman, Oved, Ruiz, and Zettel, Regents-designate Brody and Schroeder, Faculty Representative Hare, Secretary and Chief of Staff Shaw, General Counsel Robinson, Provost Dorr, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President and Chief Operating Officer Nava, Senior Vice Presidents Henderson and Peacock, Vice President Duckett, Chancellors Block, Blumenthal, Gillman, Hawgood, Wilcox, and Yang, and Recording Secretary Johns

The meeting convened at 12:00 p.m. with Committee Chair Reiss presiding.

1. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meeting of November 19, 2015 were approved.

2. **APPROVAL OF CONTRACT COMPENSATION USING NON-STATE FUNDS FOR CORI CLOSE AS HEAD WOMEN'S BASKETBALL COACH, INTERCOLLEGIATE ATHLETICS, LOS ANGELES CAMPUS AS DISCUSSED IN CLOSED SESSION**

<u>Recommendation</u>

The Committee recommended approval of the following item in connection with the contract compensation for Cori Close as Head Women's Basketball Coach, Intercollegiate Athletics, Los Angeles campus:

As an exception to the *Amendment of Regents' Delegation of Authority for Recruiting and Negotiation Parameters for Certain Athletic Positions and Coaches, Systemwide* (September 2008 Parameters), retroactive approval of the funding source for this position as the UCLA Student Services Fee, effective April 21, 2011. The September 2008 Parameters require Regental approval when the funding for a coach's contract comes from sources other than athletic department revenues (including athletic equipment supplier agreements) or private fundraising.

Background to Recommendation

Approval was requested of the funding source used for the contract compensation for Cori Close, Head Women's Basketball Coach, Intercollegiate Athletics, Los Angeles campus, retroactive to April 21, 2011. The campus recently learned that the funding source for Coach Close's position changed from Intercollegiate Athletics department revenues to UCLA Student Services Fee revenue retroactive to Coach Close's initial appointment date. Accordingly, retroactive Regental approval is now being sought for the use of the Student Services Fee to fund Coach Close's contract.

Coach Close's initial contract from April 21, 2011 to June 30, 2016 was approved by Chancellor Block on April 27, 2011, and was within the contract compensation parameters authorized by the Regents on April 26, 2011. In October 2013, in order to retain Coach Close, the campus renewed her contract and negotiated new terms effective October 21, 2013 through April 30, 2018. These actions were within the Chancellor's authority and were reported to the Office of the President and to the Regents in accordance with applicable procedures.

Retroactive approval by the Regents was now requested in order to comply with a provision in the *Amendment of Regents' Delegation of Authority for Recruiting and Negotiation Parameters for Certain Athletic Positions and Coaches, Systemwide* (the September 2008 Parameters), which states, "If the funding of a coach's contract comes from sources other than athletic department revenues (including athletic equipment supplier agreements) or private fundraising, this will require Regental review and approval."

Originally, Coach Close's contract was paid from Intercollegiate Athletics department revenues; thus, Regents' approval was not required. However, the campus recently learned that in 2012, the fund source was changed to Student Services Fee revenue, retroactive to the initial appointment date of Coach Close. Intercollegiate Athletics has historically allocated revenue generated through the Student Services Fee to women's Olympic sports, so this change in fund source for Coach Close's compensation was not deemed to be an exception at that time and was viewed as an appropriate fund source within the department's sources of revenue. The potential to use this fund source to support Intercollegiate Athletic Programs is noted in the Guidelines issued to Chancellors by former President Yudof on July 22, 2010, regarding use of the Student Services Fee allocations, following Regents' approval in May 2010 of revisions to the University of California Student Fee Policy. The Guidelines provide that although the primary focus of Student Services Fee revenue should not be on areas such as Intercollegiate Athletic Programs, some use of this fund source is not precluded. Additionally, use of these funds or funding shifts of programs to the Student Services Fee may be made in consultation with the campus Student Fee Advisory Committee.

Nevertheless, because of the September 2008 Parameters, Regental approval was needed to allow retroactive use of Student Services Fee revenue to fund Coach Close's contract. All other terms of Coach Close's contract compensation are within the contract compensation parameters authorized by the Regents for this position and therefore did not require Regents' approval at the current time.

Coach Close's compensation is within the lower 42nd percentile (rank seven of 12) of the PAC-12 schools, based on her guaranteed compensation (base salary and talent fee). In addition, she is within the lower eighth percentile for maximum bonus/incentive potential. This assumes that Stanford and the University of Southern California, which do not report their compensation data, pay higher compensation than UCLA.

The compensation described above shall constitute the University's total commitment for the element of compensation addressed above until modified by the Regents, the President, or the Chancellor, as applicable under Regents policy, and shall supersede all previous oral and written commitments. Compensation recommendations and final actions will be released to the public as required in accordance with the standard procedures of the Board of Regents.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Reiss explained that this item concerned approval of the funding source for this position.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

3. **APPROVAL OF CONTRACT COMPENSATION USING NON-STATE FUNDS FOR DAVID ESQUER AS HEAD BASEBALL COACH, INTERCOLLEGIATE ATHLETICS, BERKELEY CAMPUS AS DISCUSSED IN CLOSED SESSION**

<u>Recommendation</u>

The Committee recommended approval of the following items in connection with the contract compensation for David Esquer as Head Baseball Coach, Intercollegiate Athletics, Berkeley campus:

A. Annual guaranteed compensation of $220,000, comprised of a base salary of $165,000 and a talent fee of $55,000. The annual base salary will increase by $5,000 in each year of the contract, and the talent fee will remain constant throughout the contract's duration.

B. Annual maximum incentive potential of $78,000. All incentives would be subject to an academic gatekeeper threshold where no incentive would be paid out unless a minimum Academic Progress Rate of 930 is achieved.

C. Total deferred compensation of $80,000, payable in four increments of $20,000 in years two through five.

D. A one-time signing bonus not to exceed $20,000. This will be paid as a one-time, non-base-building bonus in accordance with University policies and procedures and shall be subject to applicable federal and State taxes and appropriate withholding.

E. As an exception to the *Amendment of Regents' Delegation of Authority for Recruiting and Negotiation Parameters for Certain Athletic Positions and Coaches, Systemwide* (September 2008 Parameters), an equipment/apparel fee in the amount of $100,000 in each year of Coach Esquer's contract, payable at the discretion of the Director of Intercollegiate Athletics and subject to receipt of sufficient funds from University contracts with athletic equipment suppliers for such purposes. This constitutes an exception to the September 2008 Parameters because this type of compensation is not addressed in the Parameters.

F. As an exception to the September 2008 Parameters, this contract will be effective retroactive to August 1, 2015, and will continue through July 31, 2020.

Background to Recommendation

Approval was requested for contract compensation for David Esquer, Head Baseball Coach, Intercollegiate Athletics, Berkeley campus, retroactive to August 1, 2015.

In order to retain Coach Esquer, the campus renegotiated the terms of his current contract, which runs from July 1, 2011 through July 31, 2016. The new terms will be effective August 1, 2015 through July 31, 2020. Regental approval was sought for two elements of Coach Esquer's compensation. The first is approval of an annual $100,000 equipment/apparel fee payable to Coach Esquer. This element of compensation is not addressed in the parameters contained in the *Amendment of Regents' Delegation of Authority for Recruiting and Negotiation Parameters for Certain Athletic Positions and Coaches, Systemwide*, approved by the Regents on September 18, 2008 (the September 2008 Parameters). The second is to approve the start of Coach Esquer's new contract retroactive to August 1, 2015, which is also an exception to the September 2008 Parameters.

The campus currently has a contract with Easton Sports Inc., a major supplier of baseball equipment and apparel that is effective January 1, 2010 through December 31, 2016. This contract gives the campus an annual rights fee payment of $40,000 (which grows by $5,000 per year) and $67,265 in free equipment at collegiate/wholesale rates each contract year ($92,265 value at retail rates). Campus Intercollegiate Athletics is in the process of renegotiating a contract with Easton Sports that would extend through June 30, 2020.

The campus was seeking approval for an annual $100,000 equipment/apparel fee payable to Coach Esquer as of August 1, 2015. This element of compensation requires the Regents' approval because it is not specifically addressed in the September 2008 Parameters. This annual payment will remain constant for each year of Coach

Esquer's contract and will be entirely funded by the annual rights fee the campus will be receiving from Easton Sports, Inc. or another athletic equipment supplier. It will therefore be subject to the University's receipt of sufficient funds from Easton or another athletic equipment supplier for this purpose.

The other terms of Coach Esquer's new contract compensation are within the September 2008 Parameters and would not normally require Regents' approval except for the retroactive effective date to August 1, 2015. Full details are provided below.

The exclusive source of funding for Coach Esquer's contract will be athletic department revenues and private fundraising. No State or UC general funds will be used.

Coach Esquer's compensation is within the lower 27th percentile (rank eight of 11) of the PAC-12 schools with a baseball team, based on his guaranteed compensation (base salary and talent fee). In addition, he is within the lower 20th percentile for maximum bonus/incentive potential. This assumes that Stanford and the University of Southern California, which do not report their compensation data, pay higher compensation than UC Berkeley.

The compensation described above shall constitute the University's total commitment for the elements of compensation addressed above until modified by the Regents, the President, or the Chancellor, as applicable under Regents policy, and shall supersede all previous oral and written commitments. Compensation recommendations and final actions will be released to the public as required in accordance with the standard procedures of the Board of Regents.

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Committee Chair Reiss recalled that the future of the baseball program at UC Berkeley had been in question some years earlier; the program had found community support, and the coach's salary was donor-supported. Regent Davis expressed disapproval of this recommendation.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

4. **APPROVAL OF APPOINTMENT OF AND COMPENSATION USING NON-STATE FUNDS FOR HOWARD FEDEROFF AS VICE CHANCELLOR FOR HEALTH AFFAIRS AND SYSTEM CHIEF EXECUTIVE OFFICER, UCI HEALTH, IRVINE CAMPUS AS DISCUSSED IN CLOSED SESSION**

Recommendation

The Committee recommended approval of the following items in connection with the appointment of and compensation for Howard Federoff as Vice Chancellor for Health Affairs and System Chief Executive Officer, UCI Health, Irvine campus:

A. Appointment of Howard Federoff as Vice Chancellor for Health Affairs and System Chief Executive Officer, UCI Health, Irvine campus at 100 percent time. This is a Level One Senior Management Group position.

B. Per policy, an annual base salary of $800,000.

C. Per policy, eligible to participate in the Clinical Enterprise Management Recognition Plan (CEMRP) with a target award of 20 percent of base salary ($160,000) and a maximum potential award of 30 percent of base salary ($240,000). The actual award will be determined based on performance against pre-established objectives.

D. Per policy, continued eligibility to participate in the UC Home Loan Program, subject to all applicable program requirements.

E. Per policy, standard pension and health and welfare benefits and standard senior management benefits (including senior management life insurance and executive salary continuation for disability after five years of Senior Management Group service).

F. Per policy, annual automobile allowance of $8,916.

G. Per policy, continued eligibility for accrual of sabbatical credits as a member of tenured faculty, consistent with academic personnel policy.

H. Per policy, continuation of eligibility to receive research allowance and set-up funding for a laboratory (in connection with Dr. Federoff's tenured faculty appointment at zero percent time in the Department of Neurology).

I. This action will be effective upon approval.

Background to Recommendation

The President of the University recommended approval for the appointment of and compensation for Howard Federoff as Vice Chancellor for Health Affairs and System Chief Executive Officer, UCI Health, Irvine campus, at 100 percent time. Funding for this position would come exclusively from non-State funds. The Chief Executive Officer (CEO) position is classified as a Level One position in the Senior Management Group (SMG). This request is in response to the retirement of the previous CEO.

The Irvine campus has developed a new organizational model that will be led by the Vice Chancellor for Health Affairs and System CEO. This new position will consolidate the responsibilities of the Vice Chancellor for Health Affairs by combining the School of Medicine and programs in public health, nursing, and pharmaceutical sciences with the Medical Center. The new organization will allow better integration, facilitate joint research, and ignite new collaborations between medical research, education, and patient care. The new model will facilitate consolidation of key resources and capture core competencies such as organizational best practices, collaborative leadership, cultural cohesion, and talent retention. In addition, by combining the position of the Vice Chancellor for Health Affairs with the Chief Executive Officer, the campus realizes a net annual compensation savings.

Reporting to the Chancellor, the Vice Chancellor for Health Affairs and System CEO will have responsibility for all health affairs, including the Medical Center, School, and academic programs. The position of Vice Chancellor for Health Affairs and System CEO is unique within the UC system.

The current working title for this position at UCI is Chief Executive Officer. The change to Vice Chancellor for Health Affairs and System CEO, UCI Health, is intended to better reflect the scope and breadth of the UCI Health Affairs organization. This Level One Senior Management Group position will continue to use the existing Market Reference Zone (MRZ) for the Chief Executive Officer position, approved by the Regents.

The qualifications for a candidate to fulfill these responsibilities are extensive. Dr. Howard Federoff has been serving as Interim Chief Executive Officer for UCI Medical Center since July 2015 due to the retirement of the former CEO. Dr. Federoff was appointed to the position of Vice Chancellor for Health Affairs and Dean of the School of Medicine in March 2015. Since July 2015, Dr. Federoff has served in three roles: Vice Chancellor for Health Affairs, Dean of the School of Medicine, and Interim CEO for UCI Medical Center at no additional salary. Serving in these roles has allowed Dr. Federoff to work collaboratively with each organization and facilitate the development of a model that encourages joint research and new collaborations among medical research, education, and patient care.

Dr. Federoff’s proposed base salary of $800,000 for the combined CEO and Vice Chancellor role would be 7.9 percent higher than the base salary ($741,260) of the prior CEO, and is slightly above the 25th percentile and 14.3 percent below the 60th percentile of the proposed MRZ. Dr. Federoff’s current compensation package as Vice Chancellor for Health Affairs and Dean of the School of Medicine includes a base salary of $550,000 and Health Sciences Compensation Plan (HSCP) income of $225,000 for total compensation of $775,000. Dr. Federoff would no longer be eligible for the HSCP income of $225,000 and would instead be eligible to participate in the Clinical Enterprise Management Recognition Plan (CEMRP) with a target award of 20 percent of base salary or $160,000. The proposed compensation of $800,000 base plus $160,000 for CEMRP (at target) amounts to $960,000 and represents an increase of 23.9 percent over

Dr. Federoff's current total compensation for the additional duties of Chief Executive Officer.

Prior to joining UCI, Dr. Federoff was the Executive Vice President for Health Sciences at Georgetown University and Executive Dean of the School of Medicine, where he oversaw a biomedical research organization with an estimated $274 million in external research funding in 2011. Prior to his appointment at Georgetown University, Dr. Federoff held academic and administrative leadership appointments at the University of Rochester School of Medicine.

Dr. Federoff's significant experience and qualifications, the scope and wide breath of these new responsibilities, as well as his exemplary performance, were used in determining an appropriate salary, consistent with Regent's Policy 7701, Senior Management Group Appointment and Compensation.

Funding for this position will come entirely from non-State funds, specifically from UCI Health revenues.

The compensation described above shall constitute the University's total commitment until modified by the Regents, the President, or the Chancellor, as applicable under Regents policy, and shall supersede all previous oral and written commitments. Compensation recommendations and final actions will be released to the public as required in accordance with the standard procedures of the Board of Regents.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Reiss briefly introduced the item.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

5. **APPROVAL OF APPOINTMENT OF AND COMPENSATION USING NON-STATE FUNDS FOR PATRICIA MAYSENT AS CHIEF EXECUTIVE OFFICER, UC SAN DIEGO HEALTH SYSTEM, SAN DIEGO CAMPUS AS DISCUSSED IN CLOSED SESSION**

<u>Recommendation</u>

The Committee recommended approval of the following items in connection with the appointment of and compensation for Patricia Maysent as Chief Executive Officer, UC San Diego Health System, San Diego campus:

A. Appointment of Patricia Maysent as Chief Executive Officer of the UC San Diego Health System, San Diego campus, at 100 percent time. This is a Level One Senior Management Group position.

B. Per policy, an annual base salary of $785,000.

C. Per policy, eligible to participate in the Clinical Enterprise Management Recognition Plan (CEMRP) with a target award of 20 percent of base salary ($157,000) and a maximum potential award of 30 percent of base salary ($235,500). The actual award will be determined based on performance against pre-established objectives.

D. Per policy, eligible to participate in the UC Home Loan Program, subject to all applicable program requirements.

E. Per policy, standard pension and health and welfare benefits and standard senior management benefits (including senior management life insurance and executive salary continuation for disability after five consecutive years of Senior Management Group service).

F. Per policy, annual automobile allowance of $8,916.

G. Per policy, a monthly contribution to the Senior Management Supplemental Benefit Program.

H. This action will be effective upon approval.

<u>Background to Recommendation</u>

The President of the University recommended approval for the appointment of and compensation for Patricia Maysent as Chief Executive Officer (CEO) of the UC San Diego Health System, San Diego campus, at 100 percent time with funding coming exclusively from non-State funds.

Following a national search, Ms. Maysent emerged as the top candidate for the position of CEO of the UCSD Health System, which became vacant following the resignation of the previous CEO, Paul Viviano, in August 2015. The CEO position is classified as a Level One position in the Senior Management Group (SMG).

Ms. Maysent has been serving in the role of Interim CEO of the UCSD Health System since August 2015, having joined UC San Diego Health in 2012 as Chief of Staff to CEO Paul Viviano. In 2013, she became Executive Director, Strategic and Business Development (Chief Strategy Officer). Ms. Maysent is a member of the Health System's Executive Management Team, responsible for leading much of Project Helix, an enterprise-wide change management plan. This work included amending UCSD Health System's strategic plan and leading the Project Management Office – Operational Excellence Council (OEC). The OEC focuses on achieving significant operational efficiencies by creating a culture of accountability, excellence, and efficiency. To date the OEC has identified and removed approximately $30 million annually in excess operational costs. In this role Ms. Maysent also provided leadership for the organizational design changes and funds flow initiatives across all of Health Sciences. She has managed the strategic relationship with Rady Children's Hospital and Scripps Health, including the negotiation of an affiliation between UC San Diego and Scripps Proton Therapy Center.

Ms. Maysent has more than 25 years of senior executive leadership experience in hospital and health system management for both academic and non-academic medical centers, including extensive experience in building hospital/physician integration strategies, medical practice foundations, management services organizations (MSO), and independent practice organizations (IPA). Ms. Maysent was also the CEO for a smaller health organization.

The campus is proposing a base salary of $785,000, which is 5.9 percent above the former incumbent's salary and slightly (1.7 percent) above the 25th percentile of the Market Reference Zone (MRZ) for this position. The proposed base salary is consistent with Regents Policy 7701, Senior Management Group Appointment and Compensation, and reflects an appropriate salary, taking into account the scope of responsibilities of the position relative to the external market and internally, to other UC peers, as well as Ms. Maysent's depth and breadth of experience. The former incumbent's salary was slightly below the 25th percentile.

Funding for this position will come entirely from non-State funds, specifically from UCSD Health revenues.

The compensation described above shall constitute the University's total commitment until modified by the Regents, the President, or the Chancellor, as applicable under Regents policy, and shall supersede all previous oral and written commitments. Compensation recommendations and final actions will be released to the public as required in accordance with the standard procedures of the Board of Regents.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Reiss briefly introduced the item.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

6. **APPROVAL OF APPOINTMENT OF AND COMPENSATION USING NON-STATE FUNDS FOR MICHAEL WITHERELL AS LABORATORY DIRECTOR, LAWRENCE BERKELEY NATIONAL LABORATORY AS DISCUSSED IN REGENTS ONLY SESSION**

Recommendation

The Committee recommended approval of the following items in connection with the appointment of and compensation for Michael Witherell as Laboratory Director, Lawrence Berkeley National Laboratory:

A. Appointment of Michael Witherell as Laboratory Director, Lawrence Berkeley National Laboratory at 100 percent time.

B. Per policy, an annual base salary of $440,000. As provided under the University's contract with the U.S. Department of Energy (DOE), any compensation amount approved by the Regents that is over the compensation amount approved by DOE on an annual basis as an allowable cost under the contract will be paid from the fee earned by the University under the contract. Compensation paid to the Laboratory Director is paid with non-State funds.

C. Per policy, annual automobile allowance of $8,916.

D. Per policy, an administrative fund will be established for official entertainment and other purposes permitted by University policy. Adjustments may occur annually as allowed by policy.

E. Per policy, eligible to participate in the UC Home Loan Program, subject to all applicable program requirements.

F. Per policy, standard pension and health and welfare benefits and standard senior management benefits (including senior management life insurance and executive salary continuation for disability after five consecutive years of Senior Management Group service).

G. Per policy, house-hunting trip reimbursement for Mr. Witherell and his spouse or domestic partner, subject to the limitations under policy.

H. Per policy, reimbursement of temporary housing-related expenses actually and reasonably incurred, subject to the limitations under policy.

I. Per policy, reimbursement of actual and reasonable expenses associated with moving Mr. Witherell's household goods and personal effects from his former primary residence to his new primary residence, subject to the limitations under policy.

J. Per policy, accrual of sabbatical credits as a member of tenured faculty.

K. This action will be effective March 1, 2016.

Background to Recommendation

The President of the University recommended approval for the appointment of and compensation for Michael Witherell as Laboratory Director, Lawrence Berkeley National Laboratory (LBNL), effective March 1, 2016.

President Napolitano initiated a national search for the LBNL Director in June 2015, convening a search committee, consistent with Regents Policy 7104, Policy on Selection of Laboratory Directors. The search committee was chaired by Vice President for National Laboratories Budil and included Regents and prominent members of the University, National Laboratory, and scientific communities. The search committee was advised by a screening task force of 17 eminent academic and Laboratory researchers and administrators that was chaired by UC Berkeley Chancellor Emeritus and Professor Robert Birgeneau.

Over 160 potential candidates, nominees and applicants, were considered for the position. The President, with advice from the search committee, selected Michael Witherell, Vice Chancellor for Research at UC Santa Barbara and former Director of Fermi National Accelerator Laboratory, as the best candidate for the position of LBNL Director. Officials at the U.S. Department of Energy (DOE) have also welcomed the appointment of Mr. Witherell. His compensation will be paid with non-State funds.

In his role as Vice Chancellor for Research at UC Santa Barbara, Mr. Witherell has developed an extremely broad and rich experience across disciplines, with excellent scientific credentials and depth and breadth of National Laboratory senior leadership and management experience. In addition to being a leader in his field, Mr. Witherell has led a DOE National Laboratory, serving as Director of Fermi National Accelerator Laboratory (Fermilab), the largest particle physics laboratory in the country. He ably directed that institution through a period of great change in the particle physics community as the construction of major new facilities moved to locations outside the United States.

Mr. Witherell has carried out research in particle physics with accelerators at Brookhaven National Laboratory, the Stanford Linear Accelerator Center (SLAC), and the Cornell Laboratory for Elementary Particle Physics, in addition to Fermilab. In 1990, his work on an experiment at Fermilab studying charm quarks brought him the prestigious W. K. H. Panofsky Prize in Experimental Particle Physics, awarded annually by the American Physical Society.

Mr. Witherell was elected to membership in the National Academy of Sciences in 1998 for his work in the application of new technologies that profoundly influenced all subsequent experiments aimed at the study of heavy-quark states. In 2004 he received the U. S. Secretary of Energy’s Gold Award, the highest honorary award of the Department of Energy. He is a fellow of the American Association for the Advancement of Science and of the American Physical Society.

Since 2005, Mr. Witherell has chaired the Mathematical and Physical Sciences Advisory Committee at the National Science Foundation (NSF), the Physics Section of the National Academy of Sciences, and the Board on Physics and Astronomy of the National Academies.

Mr. Witherell's outstanding scientific accomplishments, extensive leadership and management experience, deep commitment to and experience with the University, the DOE and the National Laboratory complex and compelling vision for LBNL combine to make him the best candidate for the position.

The President recommended a base salary of $440,000, which is 5.3 percent less than the current incumbent's salary. The proposed base salary is consistent with Regents Policy 7701, Senior Management Group Appointment and Compensation, and reflects an appropriate level, taking into account the scope and responsibilities of the position relative to the external market as well as Mr. Witherell's significant experience. The proposed salary is 1.8 percent below the 60th percentile of the Market Reference Zone (MRZ) for this position (Laboratory Director). The current incumbent's salary is slightly above the 75th percentile. Mr. Witherell's proposed salary of $440,000 compares to the salary of the Laboratory Director at Lawrence Livermore National Laboratory of $501,000 and to the $489,000 base salary for the same position at Los Alamos National Laboratory, both of whom are also eligible for an annual incentive compensation award of up to 20 percent of their annual base salaries.

Funding for this position will come from non-State funds.

The compensation described above shall constitute the University's total commitment until modified by the Regents or the President, as applicable under Regents policy, and shall supersede all previous oral and written commitments. Compensation recommendations and final actions will be released to the public as required in accordance with the standard procedures of the Board of Regents.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Reiss briefly introduced the item.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

The meeting adjourned at 12:05 p.m.

Attest:

Secretary and Chief of Staff