

*In order to facilitate approval of Personnel Settlements as required by Section 19-718.11 of the State Human Resources Regulations, agencies are to include the following information in the letter requesting approval and the agreement. Agencies are strongly encouraged to submit proposed agreements to the Division of State Human Resources Alternative Dispute Resolution Program for review prior to obtaining signatures.*

**Agencies seeking approval of a personnel settlement should provide the following:**

**1. Letter of justification containing the following:**

- Background and analysis of case
- Liability to agency, if applicable
- Cost effectiveness of settling the matter
- Benefits and interests of settling the matter

**2. Settlement agreement containing the following clauses:**

- No admission of liability by either party, if applicable
- Releases agency from any other claims related to the matter at hand (must note exceptions to release of future FMLA and pending Workers' Compensation claims)
- Terms concerning withdrawing pending action which may be administrative or judicial or both (exceptions include EEOC claims or pending Workers' Compensation claims)
- Amount of lump sum payment and where it will come from should be clearly delineated
- Determination of whether lump sum amount is waged-based or non-waged based
- In accordance with Section 19-718.11 of the State Human Resources Regulations all personnel settlements must be approved.
- Confidentiality language with FOIA exception, if applicable
- Waiver of claims under ADEA, OWBPA, and FMLA
- If employee is represented by attorney, a reference to the attorney should be made
- Voluntary execution of release clause
- Signed and dated by state agency representative, the employee, and the attorneys, if applicable.
- Witness signatures
- Severability clause
- Laws of SC govern clause

***Sample agreement clauses can be obtained from the Alternative Dispute Resolution Program staff.***