

POLICY

Compensation Discussions and Disclosures

ISSUED ON 01/11/2016

This policy applies to: All employees and applicants.

I. Policy

Subject to certain exceptions identified below, the University will not discharge or discriminate against any employee or applicant for employment because the employee or applicant has inquired about, discussed, or disclosed their own compensation or the compensation of another employee or applicant.

II. Guidelines and Exceptions

A. Nothing in this policy precludes the University from disciplining an employee who otherwise violates a uniformly applied workplace rule in the course of discussing or disclosing compensation information. By way of example, if an employee exceeds his/her scheduled break time while engaged in a discussion which happens to involve compensation information, the employee still should be disciplined for exceeding the allotted break time so long as other employees who exceed scheduled break times are similarly disciplined. Alternatively, if an employee is late to work because he/she was

engaged in a discussion of compensation information, the tardiness policy is applicable and employee may be disciplined so long as others are consistently disciplined for tardiness.

B. This policy does not apply to employees whose positions otherwise involve having access to compensation information of other employees or applicants as part of those employees' essential job functions, and/or whose job duties include protecting and maintaining the privacy of employee personnel information, including compensation information (e.g., Human Resource, Payroll, and Finance employees), who disclose or discuss the compensation of other employees or applicants to individuals who do not otherwise have access to such information *unless* disclosure is (1) required in response to a formal complaint or charge of discrimination, (2) in furtherance of an investigation, grievance, hearing, or action, including an investigation conducted internally by the employer, or (3) is consistent with the University's duty, as a federal contractor, to furnish such information. Employees who are expected to maintain confidentiality of compensation information and who are determined to have made inappropriate disclosures of such information will be subject to discipline, up to and including termination.

C. Compensation is defined broadly to include, but is not limited to, salary, wages, overtime pay, shift differentials, bonuses, commissions, vacation and holiday pay, allowances, insurance and other benefits, stock options and awards, profit sharing, and retirement.

D. With respect to employees covered by collective bargaining agreements, the University will send to each labor union or representative with which it has such an agreement a notice advising the labor union or workers' representative of the contractor's commitment to Executive Order 11246 and shall post copies of the notice in places available to employees and applicants.

E. The University will inform subcontractors of its commitment to this requirement, as well as its expectation of its own commitment to this requirement.

III. Procedure

Employees who believe that they are being discriminated against for discussing or disclosing their own compensation or another individual's compensation should bring their concerns to the attention of their department's assigned Human Resource Business Partner for review and investigation. However, employees who believe that their compensation was inappropriately discussed or disclosed by another employee whose essential job functions require them to keep such information confidential should report concerns to the attention of the Office of Counsel, the Integrity Hotline at (585) 756-8888 (tel:5857568888), or the Office of the Director of Compensation. The complaint will then be assigned to the appropriate office for investigation.

Applicants who believe that they were discriminated against for inquiring about, discussing or disclosing the compensation of other employees in conjunction with the hiring process should bring concerns to the attention of the Human Resource Service Center for review and investigation.

Complaints of discrimination also may be filed externally with the Office of Federal Contract Compliance (<https://www.dol.gov/ofccp/regs/compliance/pdf/pdfstart.htm>).

See also:

- #108 Confidentiality (<https://www.rochester.edu/policies/policy/confidentiality/>)
- #154 Corrective Discipline (<https://www.rochester.edu/policies/policy/corrective-discipline/>)

ABOUT THIS POLICY

Policy Number

196

Policy Group

Human Resources

Issuing Authority

Human Resources

Responsible Officer

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RELATED POLICIES

[Corrective Discipline \(https://www.rochester.edu/policies/policy/corrective-discipline/\)](https://www.rochester.edu/policies/policy/corrective-discipline/)

POLICY KEYWORDS

[Compensation \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=326\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=326)

[Payroll \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=506\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=506)

[Privacy \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=526\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=526)