

Penalty Adjustment Calculations

Penalty Information Summary

FOR THIS TYPE OF ADJUSTMENT	OREGON OSHA WILL CONSIDER	BASE PENALTY ADJUSTED AS FOLLOWS
<p>Good Faith Effort</p>	<ul style="list-style-type: none"> ● Existence of an overall safety and health program is evident. ● Safety and health policies are effectively communicated to employees. ● Efforts put forth prior to an inspection to promote safety and health in the workplace. ● Demonstrations of employee involvement in the safety and health program are apparent. ● Management’s commitment and level of involvement to safety and health is apparent. ● Analysis of worksite hazards conducted. 	<ul style="list-style-type: none"> ● Good: -20% reduction ● Average: no adjustment ● Poor: +20% increase
<p>Size <i>(Applies to all inspection types)</i></p>	<ul style="list-style-type: none"> ● 1-10 employees ● 11-25 ● 26-90 ● 91-130 ● 131-175 ● 176-250 ● 251 or more 	<ul style="list-style-type: none"> ● -75% reduction ● -60% reduction ● -40% reduction ● -30% reduction ● -20% reduction ● -10% reduction ● No size reduction
<p>History</p>	<ul style="list-style-type: none"> ● Trends in injuries and illnesses (types of WC claims) or enforcement history (previous 3 years). ● Injury and illness DART rate for company. (Below state-wide average) ● Mod or EMR rate is around 1. (A typical EMR is between 0.9 and 1.0) 	<ul style="list-style-type: none"> ● -10% reduction for positive history ● 0% for average history ● +10% increase for negative history
<p>Immediate Correction</p>	<ul style="list-style-type: none"> ● Immediate corrections (abatement) of violations or other unsafe conditions identified during the inspection provided that such corrective action is permanent and substantial and not temporary or superficial. 	<ul style="list-style-type: none"> ● -10% reduction

Violations and Penalties

BASE PENALTY TABLE				
Other than serious violation		Serious violation		
Probability	Severity	Probability	Severity	
	Other than serious		Serious Physical Harm	Death
Low	\$0	Low	\$300	\$3,750
High	\$300	Medium	\$750	\$6,500
		High	\$2,150	\$13,500

ADJUSTED PENALTY TABLE						
Adjustment	Penalty in dollars					
+30%	\$390	\$975	\$2,795	\$4,875	\$8,450	\$13,653**
+20%	\$360	\$900	\$2,580	\$4,500	\$7,800	\$13,653**
+10%	\$330	\$825	\$2,365	\$4,125	\$7,150	\$13,653**
Base Penalty	\$300	\$750	\$2,150	\$3,750	\$6,500	\$13,500
-10%	\$270	\$675	\$1,935	\$3,375	\$5,850	\$12,150
-20%	\$240	\$600	\$1,720	\$3,000	\$5,200	\$10,800
-30%	\$210	\$525	\$1,505	\$2,625	\$4,550	\$9,450
-40%	\$180	\$450	\$1,290	\$2,250	\$3,900	\$8,100
-50%	\$150	\$375	\$1,075	\$1,875	\$3,250	\$6,750
-60%	\$120	\$300	\$860	\$1,500	\$2,600	\$5,400
-70%	\$100*	\$225	\$645	\$1,125	\$1,950	\$4,050
-75%	\$100*	\$185	\$535	\$935	\$1,625	\$3,375
-80%	\$100*	\$150	\$430	\$750	\$1,300	\$2,700
-85%	\$100*	\$110	\$320	\$560	\$975	\$2,025
-90%	\$100*	\$100*	\$215	\$375	\$650	\$1,350
-95%	\$100*	\$100*	\$105	\$185	\$325	\$675
-100%	\$100*	\$100*	\$100*	\$100*	\$100*	\$100*

*The minimum adjusted penalty for a serious violation is \$100.

**No base or adjusted penalty amount greater than \$13,653

EMPLOYER SIZE ADJUSTMENT TABLE	
Number of employees	Adjustment reduction
1-10	-75%
11-25	-60%
26-90	-40%
91-130	-30%
131-175	-20%
176-250	-10%
251 or more	No Size Adjustment

Size adjustments are based on state-wide peak employment.

REPEAT AND WILLFUL TABLE		
Repeat occurrence	Serious	Other than serious
1 st repeat	x 2	\$200
2 nd repeat	x 5	\$500
3 rd repeat	x 10	\$1,000
4 th repeat	x 15	\$1,500
5 th repeat	x 20	\$2,000
Additional repeats	Discretion of Administrator	
WILLFULL	x 25	

Minimum Repeat Penalty of \$200

Minimum Willful Penalty of \$9,753

Maximum Penalty of \$135,653

For complete rule requirements, see OAR 437-001-0135 through 437-001-0203.