

## Violations and Penalties – Penalty Adjustment Calculations

FOR THIS TYPE OF ADJUSTMENT	OREGON OSHA WILL CONSIDER	BASE PENALTY ADJUSTED AS FOLLOWS
<p><b>Good faith effort</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● Existence of an overall safety and health program is evident.</li> <li>● Safety and health policies are effectively communicated to employees.</li> <li>● Efforts put forth before an inspection to promote safety and health in the workplace.</li> <li>● Demonstrations of employee involvement in the safety and health program are apparent.</li> <li>● Management’s commitment and level of involvement to safety and health is apparent.</li> <li>● Analysis of worksite hazards conducted.</li> </ul>	<ul style="list-style-type: none"> <li>● Good: -20% reduction</li> <li>● Average: no adjustment</li> <li>● Poor: +20% increase</li> </ul>
<p><b>Size</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● 1-10 employees statewide</li> <li>● 11-25</li> <li>● 26-90</li> <li>● 91-130</li> <li>● 131-175</li> <li>● 176-250</li> <li>● 251 or more</li> </ul>	<ul style="list-style-type: none"> <li>● -75% reduction</li> <li>● -60% reduction</li> <li>● -40% reduction</li> <li>● -30% reduction</li> <li>● -20% reduction</li> <li>● -10% reduction</li> <li>● No size reduction</li> </ul>
<p><b>History</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● Trends in injuries and illnesses (types of workers’ compensation claims) or enforcement history (previous three years).</li> <li>● Injury and illness DART rate for company (below statewide average).</li> <li>● Mod rate (experience modification rating) is around 1.</li> </ul>	<ul style="list-style-type: none"> <li>● -10% reduction for positive history</li> <li>● No reduction for average history</li> <li>● +10% increase for negative history</li> </ul>
<p><b>Immediate correction</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● Immediate correction (abatement) of violations identified during the inspection, provided that such corrective action is permanent and substantial and not temporary or superficial.</li> </ul>	<ul style="list-style-type: none"> <li>● -10% reduction</li> </ul>

## Violations and Penalties – First Instance Violations

FIRST INSTANCE PENALTY TABLE		
Other than serious-rated violation		
Probability	Severity (base penalty)	
	Other than serious	
Low	\$0	
High	\$300	
Serious-rated violation		
Probability	Severity (base penalty)	
	Serious Physical Harm	Death
Low	\$3,530	\$11,769
Medium	\$7,060	\$14,123
High	\$9,415	\$16,475

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 statewide peak employment and only apply to first instance violations.

FIRST INSTANCE SERIOUS PENALTY TABLE						
To be used to calculate penalty adjustments						
Adjustment	Penalty in dollars					
	Low Serious	Medium serious	High Serious	Low Death	Medium Death	High Death
30%	\$4,589	\$9,178	\$12,239	\$15,300	\$16,475**	\$16,475**
20%	\$4,236	\$8,472	\$11,298	\$14,123	\$16,475**	\$16,475**
10%	\$3,883	\$7,766	\$10,356	\$12,946	\$15,535	\$16,475**
<b>Initial Penalty</b>	<b>\$3,530</b>	<b>\$7,060</b>	<b>\$9,415</b>	<b>\$11,769</b>	<b>\$14,123</b>	<b>\$16,475</b>
-10%	\$3,177	\$6,354	\$8,473	\$10,592	\$12,710	\$14,827
-20%	\$2,824	\$5,648	\$7,532	\$9,415	\$11,298	\$13,180
-30%	\$2,471	\$4,942	\$6,590	\$8,238	\$9,886	\$11,532
-40%	\$2,118	\$4,236	\$5,649	\$7,061	\$8,474	\$9,885
-50%	\$1,765	\$3,530	\$4,707	\$5,885	\$7,061	\$8,237
-60%	\$1,412	\$2,824	\$3,766	\$4,708	\$5,649	\$6,590
-70%	\$1,177*	\$2,118	\$2,824	\$3,531	\$4,237	\$4,942
-75%	\$1,177*	\$1,765	\$2,354	\$2,942	\$3,531	\$4,911
-80%	\$1,177*	\$1,412	\$1,882	\$2,354	\$2,825	\$3,295
-85%	\$1,177*	\$1,177*	\$1,412	\$1,765	\$2,118	\$2,471
-90%	\$1,177*	\$1,177*	\$1,177*	\$1,177*	\$1,412	\$1,647
-95%	\$1,177*	\$1,177*	\$1,177*	\$1,177*	\$1,177*	\$1,177*

\* The minimum-adjusted penalty for a serious-rated violation is \$1,177.

\*\* The maximum-adjusted penalty amount for a serious-rated violation is \$16,475.

## Violations and Penalties – Repeat Violations

REPEAT TABLE (OTHER THAN SERIOUS)	
Repeat occurrence	Other than serious
1 <sup>st</sup> repeat	\$11,769
2 <sup>nd</sup> repeat	\$11,769
3 <sup>rd</sup> repeat	\$11,769
<b>Additional repeats</b>	<b>Discretion of administrator</b>

MULTIPLIER (SERIOUS-RATED VIOLATION)	
Repeat occurrence	First Instance serious initial penalty
1 <sup>st</sup> repeat	x 4 base penalty
2 <sup>nd</sup> repeat	x 6 base penalty
3 <sup>rd</sup> repeat	x 8 base penalty
<b>Additional repeats</b>	<b>Discretion of administrator</b>

**Repeat violation:** An employer’s second or subsequent violation involving a substantially similar violation as the earlier violation or violations, cited within the previous three years, will be cited as a repeat violation.

REPEAT 51 OR GREATER EMPLOYEES						
Serious-rated violation						
Probability	Severity					
	Serious Physical Harm			Death		
	First	Second	Third	First	Second	Third
<b>Low</b>	\$14,120	\$21,181	\$28,241	\$47,077	\$70,615	\$94,153
<b>Medium</b>	\$28,241	\$42,361	\$56,482	\$56,490	\$84,735	\$112,981
<b>High</b>	\$37,659	\$56,488	\$75,318	\$65,900	\$98,850	\$131,799
<b>Additional repeats</b>	<b>Discretion of administrator</b>					

A civil penalty reduction based on size will be applied to employers with 50 or fewer employees. A reduction of \$7,381 will be applied to civil penalties for repeat violations as shown in the table below.

REPEAT 50 OR FEWER EMPLOYEES						
Serious-rated violation						
Probability	Severity					
	Serious Physical Harm			Death		
	First	Second	Third	First	Second	Third
<b>Low</b>	\$11,769	\$13,800	\$20,860	\$39,696	\$63,234	\$86,772
<b>Medium</b>	\$20,860	\$34,980	\$49,101	\$49,109	\$77,354	\$105,600
<b>High</b>	\$30,278	\$49,107	\$67,937	\$58,519	\$91,469	\$124,418
<b>Additional repeats</b>	<b>Discretion of administrator</b>					

**NOTE:** The minimum-adjusted penalty for a repeat violation is \$11,769.  
The maximum-adjusted penalty amount for a repeat violation is \$ \$164,759.

## Violations and Penalties – Caused or Contributed to a Work-Related Death and Willful Violations

WILLFUL TABLE		
Other than serious-rated violation		
First	\$11,769	
Additional repeats	Discretion of Administrator	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$26,360	\$79,080
Medium	\$36,904	\$105,440
High	\$52,720	\$137,071

**Note:** Minimum willful penalty of \$11,769  
Maximum willful penalty of \$164,759

**Willful violation:** A violation that is committed knowingly by an employer or supervisory employee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disregards the requirements of a statute, regulation, rule, standard, or order.

WILLFUL THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Other than serious-rated violation		
All	\$52,720	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$68,536	\$179,247
Medium	\$100,168	\$205,607
High	\$131,799	\$258,327

REPEAT THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Other than serious-rated violation		
All	\$52,720	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$57,992	\$168,703
Medium	\$89,624	\$195,063
High	\$121,255	\$247,782

**Note:** The minimum-adjusted penalty for a repeat or willful violation that caused or contributed to a work related fatality is \$52,720.  
The maximum-adjusted penalty for a repeat or willful violation that caused or contributed to a work related fatality is \$263,599

SERIOUS THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$21,088	\$31,632
Medium	\$24,251	\$39,013
High	\$27,414	\$45,339

**Note:** The minimum-adjusted penalty for a serious violation that caused or contributed to a work related fatality is \$21,088.  
The maximum-adjusted penalty for a serious violation that caused or contributed to a work related fatality is \$52,720.

### Caused or contributed to a work-related fatality violation:

The workplace death of an employee that was attributed to a violation or in which the violation was a related factor, as determined by the compliance officer.

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