

Violations and Penalties – Penalty Adjustment Calculations

| FOR THIS TYPE OF ADJUSTMENT | OREGON OSHA WILL CONSIDER | BASE PENALTY ADJUSTED AS FOLLOWS |
|---|---|---|
| <p>Good faith effort <i>(Applies only to all first instance violations)</i></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 before 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 only to all first instance violations)</i></p> | <ul style="list-style-type: none"> ● 1-10 employees statewide ● 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 <i>(Applies only to all first instance violations)</i></p> | <ul style="list-style-type: none"> ● Trends in injuries and illnesses (types of workers’ compensation claims) or enforcement history (previous three years). ● Injury and illness DART rate for company (below statewide average). ● Mod rate (experience modification rating) is around 1. | <ul style="list-style-type: none"> ● -10% reduction for positive history ● No reduction for average history ● +10% increase for negative history |
| <p>Immediate correction <i>(Applies only to all first instance violations)</i></p> | <ul style="list-style-type: none"> ● Immediate correction (abatement) of violations 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 – 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** |
| Initial Penalty | \$3,530 | \$7,060 | \$9,415 | \$11,769 | \$14,123 | \$16,475 |
| -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 st repeat | \$11,769 |
| 2 nd repeat | \$11,769 |
| 3 rd repeat | \$11,769 |
| Additional repeats | Discretion of administrator |

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

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 |
| Low | \$14,120 | \$21,181 | \$28,241 | \$47,077 | \$70,615 | \$94,153 |
| Medium | \$28,241 | \$42,361 | \$56,482 | \$56,490 | \$84,735 | \$112,981 |
| High | \$37,659 | \$56,488 | \$75,318 | \$65,900 | \$98,850 | \$131,799 |
| Additional repeats | Discretion of administrator | | | | | |

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 |
| Low | \$11,769 | \$13,800 | \$20,860 | \$39,696 | \$63,234 | \$86,772 |
| Medium | \$20,860 | \$34,980 | \$49,101 | \$49,109 | \$77,354 | \$105,600 |
| High | \$30,278 | \$49,107 | \$67,937 | \$58,519 | \$91,469 | \$124,418 |
| Additional repeats | Discretion of administrator | | | | | |

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 | \$121,256 | \$247,783 |

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.