

## Violations and Penalties — Penalty Adjustment Calculations

FOR THIS TYPE OF ADJUSTMENT	OREGON OSHA WILL CONSIDER	BASE PENALTY ADJUSTED AS FOLLOWS
<b>Good faith effort</b> <i>(Applies only to all first-instance violations)</i>	<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>
<b>Size</b> <i>(Applies only to all first-instance violations)</i>	<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>
<b>History</b> <i>(Applies only to all first-instance violations )</i>	<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>
<b>Immediate correction</b> <i>(Applies only to all first-instance violations )</i>	<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	\$3,643	\$12,147
Medium	\$7,287	\$14,576
High	\$9,717	\$17,004

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						
	Penalty					
Adjustment	Low serious	Medium serious	High serious	Low death	Medium death	High death
30%	\$4,736	\$9,473	\$12,632	\$15,791	\$17,004**	\$17,004**
20%	\$4,372	\$8,744	\$11,660	\$14,576	\$17,004**	\$17,004**
10%	\$4,008	\$8,015	\$10,688	\$13,362	\$16,033	\$17,004**
Initial penalty	\$3,643	\$7,287	\$9,717	\$12,147	\$14,576	\$17,004
-10%	\$3,279	\$6,558	\$8,745	\$10,932	\$13,118	\$15,303
-20%	\$2,915	\$5,829	\$7,773	\$9,717	\$11,661	\$13,603
-30%	\$2,550	\$5,101	\$6,802	\$8,503	\$10,203	\$11,903
-40%	\$2,186	\$4,372	\$5,830	\$7,288	\$8,745	\$10,202
-50%	\$1,822	\$3,643	\$4,858	\$6,073	\$7,288	\$8,502
-60%	\$1,457	\$2,915	\$3,887	\$4,859	\$5,830	\$6,801
-70%	\$1,214*	\$2,186	\$2,915	\$3,644	\$4,373	\$5,101
-75%	\$1,214*	\$1,822	\$2,429	\$3,037	\$3,644	\$4,251
-80%	\$1,214*	\$1,457	\$1,943	\$2,429	\$2,915	\$3,401
-85%	\$1,214*	\$1,214*	\$1,458	\$1,822	\$2,186	\$2,551
-90%	\$1,214*	\$1,214*	\$1,214*	\$1,214*	\$1,458	\$1,700
-95%	\$1,214*	\$1,214*	\$1,214*	\$1,214*	\$1,214*	\$1,214*

\* The minimum-adjusted penalty for a serious-rated violation is \$1,214.

\*\* The maximum-adjusted penalty amount for a serious-rated violation is \$17,004.

## Violations and Penalties — Repeat Violations

REPEAT TABLE (OTHER THAN SERIOUS)	
Repeat occurrence	Other than serious
1 <sup>st</sup> repeat	\$12,147
2 <sup>nd</sup> repeat	\$12,147
3 <sup>rd</sup> repeat	\$12,147
Additional repeats	Discretion of administrator

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
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	\$14,574	\$21,860	\$29,147	\$48,587	\$72,881	\$97,175
Medium	\$29,147	\$43,721	\$58,294	\$58,303	\$87,455	\$116,606
High	\$38,867	\$58,301	\$77,735	\$68,014	\$102,022	\$136,029
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 \$7,618 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	\$12,147	\$14,243	\$21,530	\$40,970	\$65,263	\$89,557
Medium	\$21,530	\$36,103	\$50,677	\$50,685	\$79,837	\$108,989
High	\$31,250	\$50,683	\$70,117	\$60,397	\$94,404	\$128,411
Additional repeats	Discretion of administrator					

**NOTE:** The minimum-adjusted penalty for a repeat violation is \$12,147.  
The maximum-adjusted penalty amount for a repeat violation is \$170,046.

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

WILLFUL TABLE		
Other than serious-rated violation		
First	\$12,147	
Additional repeats	Discretion of Administrator	
Serious-rated violation		
Probability	Severity	
	Serious physical harm	Death
Low	\$27,206	\$81,617
Medium	\$38,088	\$108,823
High	\$54,412	\$141,470

**Note:** Minimum willful penalty of \$12,147  
Maximum willful penalty of \$170,046

**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	\$54,412	
Serious-rated violation		
Probability	Severity	
	Serious physical harm	Death
Low	\$70,735	\$184,999
Medium	\$103,382	\$212,205
High	\$136,029	\$266,617

REPEAT THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Other than serious-rated violation		
All	\$54,412	
Serious-rated violation		
Probability	Severity	
	Serious physical harm	Death
Low	\$59,853	\$174,117
Medium	\$92,500	\$201,323
High	\$125,147	\$255,734

**Note:** The minimum-adjusted penalty for a repeat or willful violation that caused or contributed to a work related fatality is \$54,412.  
The maximum-adjusted penalty for a repeat or willful violation that caused or contributed to a work related fatality is \$272,058.

SERIOUS THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Probability	Severity	
	Serious physical harm	Death
Low	\$21,765	\$32,647
Medium	\$25,029	\$40,265
High	\$28,294	\$46,794

**Note:** The minimum-adjusted penalty for a serious violation that caused or contributed to a work related fatality is \$21,765.  
The maximum-adjusted penalty for a serious violation that caused or contributed to a work related fatality is \$54,412.

### 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.