

LABOR AND EMPLOYMENT LAW ALERT

United States Department of Labor Announces New Rules to Adjust Civil Monetary Penalties for Inflation

Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the United States Department of Labor (USDOL) has issued two interim final rules to adjust the amounts of civil penalties assessed under its regulations, particularly those enforced by OSHA and the Wage and Hour Division (WHD).

The first rule will cover the vast majority of penalties assessed by the department's Employee Benefits Security Administration, Mine Safety and Health Administration, Occupational Safety and Health Administration, Office of Workers' Compensation Programs and Wage and Hour Division. The second rule will be issued jointly with the Department of Homeland Security to adjust penalties associated with the H-2B temporary guest worker program.

OSHA's maximum penalties, which have not been raised since 1990, will increase by 78%. The maximum penalty for serious violations will rise from \$7,000 to \$12,471, and the maximum penalty for willful or repeated violations will increase from \$70,000 to \$124,709. WHD's penalty for willful violations of the minimum wage and overtime provisions of the Fair Labor Standards Act will increase from \$1,100 to \$1,894.

For more information, the USDOL's press release is available here:

<https://www.dol.gov/newsroom/releases/opa/opa20160630>

For questions regarding this information, please contact any of the Hancock Estabrook, LLP attorneys listed below.

Melinda Burdick Bowe	315.565.4507	mbowe@hancocklaw.com
John F. Corcoran	315.565.4515	jcorcoran@hancocklaw.com
Lindsey H. Hazelton	315.565.4527	lhazelton@hancocklaw.com
Whitney M. Kummerow	315.565.4517	wkummerow@hancocklaw.com
John T. McCann	315.565.4540	jmccann@hancocklaw.com
Robert J. Thorpe	315.565.4555	rthorpe@hancocklaw.com
Robert C. Whitaker, Jr.	315.565.4557	rwhitaker@hancocklaw.com

This communication is for informational purposes and is not intended as legal advice.