

MOSH INSTRUCTION:

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| INSTRUCTION NUMBER: 25-2 | EFFECTIVE DATE: April 15, 2025 |
| SUBJECT: Penalty Adjustment Factors for Establishment Size | ISSUANCE DATE: April 11, 2025 |
| CANCELLATION: N/A | EXPIRATION: Effective until canceled or superseded |

Purpose: This instruction provides guidance to MOSH personnel regarding penalty adjustment factors associated with establishment size.

Scope: MOSH-wide

Reference:

- A. Current MOSH Field Operations Manual (FOM)
- B. [Ch. 104 \(H.B. 244\). Acts of 2024](#) - Maryland Occupational Safety and Health Act - Civil Penalties - Alterations
- C. [Labor and Employment Article, §5-810](#)

Contact: Chief of MOSH Compliance Services
See MOSH Website for Current Information <https://www.labor.md.gov/labor/mosh>

1. Background:

- a. The MOSH FOM contains specific guidance for proposed civil penalties for violations that are adjusted based on penalty adjustment factors such as good faith adjustment, history, size, actual harm, and egregious violations.

2. Action:

- a. MOSH personnel shall ensure that the procedures contained in the instruction are followed when proposing civil penalties for violations with penalty adjustment factors associated with establishment size.
- b. Supervisors shall ensure that this instruction is reviewed with all staff involved in enforcement or outreach.

3. Procedures:

- a. In establishing the size rating, the CO/IH shall determine the size of an employer on the basis of the number of persons employed. The CO/IH shall consider all of the employer's establishments and all employees. Information on the total number of employees generally can be obtained at the inspected worksite. However, on occasion it may be necessary to obtain or confirm the information from the employer's main establishment. The numerical value for the size rating shall be assigned in accordance with the following:

| Employees | Scale |
|------------------|--------------|
| 1 – 25 | 50% |
| 26 – 100 | 30% |
| 101 – 250 | 10% |
| 251 or more | 0% |

Note: This instruction modifies Chapter VI, Penalties of the MOSH Field Operations Manual, Section C, Subpart 4 Penalty Adjustment Factors for establishment size.

By and Under the Authority of:



Michael A. Penn CSP, SMP

Chief of Compliance