

BWC POLICY STATEMENT FOR EXECUTIVE ORDER 2008-04S:
WAIVER OF PENALTIES FOR
FIRST TIME PAPERWORK NON-COMPLIANCE

On February 12, 2008, Governor Strickland issued Executive Order 2008-04S, "Implementing Common Sense Business Regulation." Paragraph 5(F) of the Executive Order provides:

Agencies should when appropriate waive penalties for first-time or isolated paperwork or procedural regulatory non-compliance. Each cabinet agency, board and commission shall prepare and publish on its website, a policy describing the circumstances in which such waivers shall be granted.

Also, on June 17, 2008, Governor Strickland signed into law Am. H.B. 285 of the 127th General Assembly, which provides:

Sec. 119.14. (A) For any small business that engages in a paperwork violation, the state agency or regulatory authority that regulates the field of operation in which the business operates shall waive any and all administrative fines or civil penalties on that small business for the violation, if the paperwork violation is a first-time offense.

In accordance with Executive Order 2008-04S and Am. H.B. 285, BWC's goals are to impose the least burden and cost to business, including paperwork and other compliance costs, necessary to achieve BWC's statutory regulatory objectives, and to ensure that BWC's regulations create an atmosphere in which businesses and individuals affected by those regulations are treated as partners in achieving regulatory goals.

To foster these goals, BWC's policy is to provide a warning letter for the initial violation of a minor, procedural regulatory or paperwork violation. BWC will generally not impose a penalty for such violations unless the Administrator determines that: (1) the violation has the potential to cause serious harm to the public safety or interest; (2) the violation involves a person or business knowingly or willfully engaging in misconduct; or, (3) the violation is of a law concerning the assessment or collection of any premium, assessment, or debt to BWC.

This policy shall not be construed to diminish the responsibility for any person or business to apply for and maintain workers' compensation coverage as required by law, or to otherwise comply with regulations in BWC laws or rules.