

LEGAL UPDATE

DOL Civil Penalty Amounts Unchanged for 2026



The Office of Management and Budget (OMB) has issued a [memorandum](#) to federal agencies **canceling penalty inflation adjustments for 2026**. This applies to penalties that may be assessed on employers for violations of a wide range of federal laws, including the Fair Labor Standards Act (FLSA), the Employee Retirement Income Security Act (ERISA), the Family and Medical Leave Act (FMLA), and the Occupational Safety and Health Act (OSH Act).

Background

Federal law requires agencies to adjust their civil money penalties for inflation no later than Jan. 15 of each year in order to maintain their effectiveness and deterrent effect. Last year, the Department of Labor's (DOL) final rule on 2025 inflation-adjusted amounts was [published](#) on Jan. 10, 2025.

The annual adjustment is based on Bureau of Labor Statistics (BLS) data from October of the prior year. However, due to the government shutdown, the BLS was unable to produce October 2025 data. As a result of this lack of data, **there will be no updated cost-of-living adjustment multiplier for 2026, and agencies will continue using the 2025 civil monetary penalties as applicable.**

Current Penalty Amounts

The following key penalty amounts remain in effect for both 2025 and 2026:

- **FLSA violations:** Civil penalties of up to **\$2,515** per violation may be imposed for willful or repeated violations. For child labor violations, penalties may reach up to **\$16,035** per violation and **\$72,876** for each violation that causes death or serious injury of a minor employee (which may be doubled for willful or repeated violations, up to **\$145,752**);
- **Summary of Benefits and Coverage (SBC):** Failure to provide group health plan participants and beneficiaries with an SBC may result in a penalty of up to **\$1,443** per participant or beneficiary;
- **Form 5500 filings:** Failure to file an annual Form 5500 with the DOL can result in a penalty of up to **\$2,739** per day;
- **FMLA notice:** Employers who willfully violate the FMLA posting requirement may face a penalty of up to **\$216** for each separate offense;
- **Children's Health Insurance Program (CHIP) notice:** Failure to provide the annual notice regarding CHIP coverage opportunities may result in a penalty of up to **\$145** per day (each employee is a separate violation);
- **Failure to furnish DOL-requested plan information:** Penalties of up to **\$195** per day apply, not to exceed **\$1,956** per request; and
- **OSH Act:** Civil penalties range from no penalty for de minimis violations to up to **\$16,550** per violation for serious, other-than-serious or uncorrected violations. Willful or repeat violations carry penalties between **\$11,823** and **\$165,514** per violation.

Employers should continue to prioritize compliance with all applicable federal requirements, as the 2025 penalty amounts remain fully in effect for 2026.

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