



CITY OF BERA

MAYOR'S OFFICE

BRUCE FRALEY
MAYOR

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EXECUTIVE ORDER #2022-02

Adoption of City of Berea Covid Vaccination, Testing, and Face Covering Policy

WHEREAS, On November 4, 2021, and December 27, 2021, the Occupational Safety and Health Administration (OSHA) released details of an emergency temporary standard (ETS) regarding the COVID-19 vaccination, testing, and face covering requirement for employers with 100 or more employees; and

WHEREAS, the ETS applies to state and local employers in states with OSHA-approved state plans, including Kentucky; and

WHEREAS, employers in Kentucky, as an OSHA state plan, will have 30 days from the effective date of the ETS to adopt or release their version of the ETS, as long as it is "at least as effective" as the federal version (29 USC 667(c)); and

WHEREAS, existing federal law provides that "Failure to comply with the rule will subject employers to maximum penalties of \$13,653 per serious violation, and \$136,532 per willful or repeated violation;"

NOW, THEREFORE, I, Bruce Fraley, Mayor of the City of Berea, Kentucky, pursuant to the authority granted in KRS 83A.130(4), hereby order that the attached City of Berea's Vaccination, Testing, and Face Covering Policy be and the same is hereby adopted by and for the City of Berea, Kentucky, in compliance with OSHA's ETS as referred to above.

This order shall remain in effect until terminated by the issuance of a repealing Executive Order, or if and when a Court of competent jurisdiction makes a final determination that the ETS is inconsistent with the laws and constitution of the United States.

A copy of this Order shall be filed with the City Clerk.

Signed January 10, 2022

A handwritten signature in blue ink, appearing to read "Bruce Fraley", is written over a horizontal line.

Bruce Fraley, Mayor
City of Berea, Kentucky