



CITY OF BERE A

MAYOR'S OFFICE

BRUCE FRALEY
MAYOR

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EXECUTIVE ORDER #2022-05

Repeal of Executive Order #2022-02

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 provided 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;" and

WHEREAS, Executive Order #2022-02 adopted Berea's Vaccination, Testing, and Face Covering Policy, in compliance with OSHA's ETS as referred to above; and

WHEREAS, The United States Supreme Court issued an opinion on January 13, 2022, preventing OSHA from enforcing the ETS;

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of Berea, Kentucky, pursuant to the authority granted in KRS 83A.130(4), hereby order that Executive Order #2022-02 is repealed in its entirety.

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

Signed January 18, 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