

Date

Occupational Safety & Health Administration
U.S. Department of Labor
5360 Genesee Street
Bowmansville, NY 14026

Gentlemen:

In accordance with the study conducted by the Company's expert, the Company engaged in extensive efforts to implement various recommendations to improve the Company's operation from an ergonomic perspective. Following the implementation of the substantial portion of the recommendations, the Company expert was asked to conduct a survey of the actions taken by the Company and those which have not been taken. A copy of that assessment is included in the June 7th letter from Martin Helander, Ph.D, to David Koch, the Company president, attached hereto.

There have been a few recommended actions that the company has not and may not be implemented for the reasons asserted below:

1) <u>Remedial Action</u>	<u>Implementation</u>
Job rotation	Under the collective bargaining agreement, such job rotation would violate the seniority rights of the employees. In addition, it would severely adversely affect the economic earnings of employees and hence, would not be viewed as acceptable to them. Employees who are disabled, however, have been offered the opportunity to work in vacancies in other departments on a case-by-case basis. Employees are entitled to daily coffee breaks in the morning and afternoon; hence, with their lunch period do receive rest periods during the work day.
Preemployment screening - Use of nervepace electroneurometer to determine if an individual was susceptible to carpal tunnel syndrome.	Such preemployment screening and a determination of "susceptibility" would not justify the Company refusing to place an employee in such a position. Such an action

Remedial Action

Implementation

would violate the New York State Human Rights Law and may be contrary to the federal Americans with Disabilities Act which will be effective in July of 1992.

Training of all new employees

While the Company has implemented an informal training program, it has not yet been able to obtain a video movie relating specifically to the sewing industry. After extensive search it believes it will be able to obtain one in the fall of this year, and hence, the stipulation of settlement provides that the purchase and use of such video will occur prior to November 1, 1991.

Angling of tables at 15°

Due to the operations of the machinery, it is not possible to angle many of the tables. To the extent feasible, the Company will consider such recommendations on a case by-case basis. To the extent the tables cannot be angled, it will consider the padding of the tables to reduce ergonomic problems that could occur.

Obtain plastic boxes with handles for storage of materials

While the Company made a diligent search for such available plastic boxes, it only discovered a manufacturer who would make the product for governmental offices. The manufacturer refused to sell it to non-government manufacturers. The company is still searching for such available items. Once found, it agrees to purchase and use them.

Elimination of the trimming operation

The Company is building a prototype bonding machine to automatically attach hair cloth to caps. Currently, we are not aware of the machinery's feasibility for the Company's operation, either economically or operationally. Should the Company not be able to build the bonding machine, it will attempt to curtail ergonomic problems in the trimming operation through the implementation of the other recommendations noted by the expert.

Yours truly,

FLAHERTY, COHEN, GRANDE,
RANDAZZO & DOREN. P.C.

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Exhibit 2





UNIVERSITY AT BUFFALO
STATE UNIVERSITY OF NEW YORK

Department of Industrial Engineering—
School of Engineering and Applied Sciences
342 Lawrence D. Bell Hall
Buffalo, New York 14260
(716) 636-2357

Date June 7, 1991

76
New Era Cap Co., Inc.
8061 Erie Road, Box 208
Derby, NY 14047-0208

Dear Mr. Koch:

At your request, I inspected your plant in Derby as a follow-up to our previous work. As you recall, we issued a report on September 4, 1990, summarizing our initial findings and our suggested improvements. The following is to summarize what actions the company has taken in response to the ergonomic report drafted in September.

At the outset, I find that there has been considerable improvements in the ergonomic conditions in the plant since the report was delivered. We had recommended the following:

- a) Providing ergonomically designed chairs.
- b) Altering the working heights by raising or lowering the work table.
- c) Relocating the various items on the work tables to minimize hazardous reach.
- d) Changing the ambient illumination levels.
- e) Utilizing ergonomically designed scissors.

Each of these recommendations has been implemented.

In the initial study, five work stations were analyzed in detail. They were single taping, complete taping, peak attaching, middle covers and sweat band attaching. The five work stations were chosen since the complaints of wrist pain and work days lost due to the same were concentrated in these areas.

A. Middle Covers

- 1) Recommendations and implementation of remedial measures.

Recommended Action

Implementation

Ergonomically designed chair
Working height of table adjusted
Ergonomically designed scissors

Implemented
Implemented
Implemented (Employees purchase
from vendor at reduced rates)

<u>Recommended Action</u>	<u>Implementation</u>
Operator being taught of importance of maintaining neutral wrist	Implemented
Overall ambient lighting	Improved
Use of foot rests	Implemented
Padding of table edges	Implemented
Pick/dispose bins be rearranged	Implemented
Elimination of trimming operation	Purchase of new bonding machine to automatically attach hair cloth to cap. Date of implementation unknown at this time. The company is attempting in good faith efforts to obtain the machinery.

B. Complete Taping

Recommendations and implementation of remedial measures.

<u>Recommended Action</u>	<u>Implementation</u>
Table height adjustment	Implemented
Ergonomically designed chairs	Implemented
Training of operator to maintain neutral wrist in a repetitive jobs	Implemented
Ergonomically designed scissors	Implemented (Employees purchase from vendor at reduced rates)
Use of small trimmers rather than conventional scissors	Implemented
Pick/dispose bins repositioned	Implemented
Foot rests and padding of table edges	Implemented
Adjustment of lighting	Implemented
Improvement of ambient illumination	Implemented

C. Single Taping

Recommendations and implementation of remedial measures

<u>Recommended Action</u>	<u>Implementation</u>
Rearrangement of boxes on the floor	Implemented
Readjustment of table height	Implemented
Ergonomically designed adjustable chairs	Implemented
Training of operator to maintain neutral wrist in repetitive jobs	Implemented
Ergonomically designed nippers	Implemented
Repositioning of tape spool holders	Implemented
Padding of table edges	Implemented
Use of fingertip covers	Implemented

D. Peak Attachment

1) Recommendations and implementation of remedial measures.

<u>Recommended Action</u>	<u>Implementation</u>
Adjustment of height of work surface	Implemented
Ergonomically designed chairs	Implemented
Ergonomically designed scissors	Implemented (Employees purchase from vendors at reduced prices)
Training of operators in the importance of maintaining neutral wrist position	Implemented
Padding of table edges	Implemented
Relocation of tape spool	Implemented
Installation of guide to hold tape in position	Implemented
Improvement of ambient level of illumination	Implemented

In our September report, we also suggested additional remedial measures which might be considered. We have discussed these with the company to obtain information regarding the current status of such recommendations. These additional remedial measures and their current status are listed below:

<u>Remedial Action</u>	<u>Implementation</u>
Job Rotation	The company has informed us that under the collective bargaining agreement such job rotation would violate the seniority rights of the employees. In addition, it would severely adversely affect the economic earnings of employees and, hence, would not be viewed as acceptable to them. Employees who are disabled, however, have been offered the opportunity to work in vacancies in other departments on a case-by-case basis. Employees are entitled to daily coffee breaks in the morning and afternoon and, hence, with their lunch period, do receive rest periods during their work day.
Pre-employment Screening - We had recommended the use of nervepace electroneurometer. It was felt that such pre-employment screening would reveal if an individual was susceptible to carpal tunnel syndrome.	The company informed us that such pre-employment screening and a determination

Remedial Action

Implementation

Training of all New Employees

of "susceptibility" would not justify the company refusing to place an employee in such a position. Such an action would violate the New York State Human Rights Law and may be contrary to the federal Americans with Disabilities Act, which will be effective in July of 1992.

Angling of Tables at 15 Degrees

The company has informed us that they will be utilizing a video movie either from M. Wile, a sewing company who has developed a film on ergonomics, or from Safety by Design in Oregon.

Obtain Plastic Boxes with Handles
for Storage of Materials

The company has indicated that due to the operations of the machinery, it would be very difficult to angle many of the tables. To the extent feasible, the company will consider such recommendation on a case by case situation.

The company discovered a manufacturer who makes the product but will not sell it to non-government offices. The company is still searching for a manufacturer.

Please don't hesitate to call me, and feel free to send a copy of this letter to OSHA. My very best regards.

Sincerely,

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