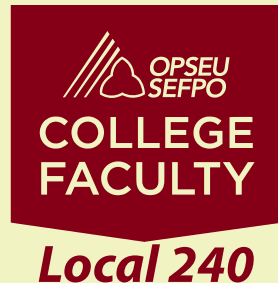


# Examiner

Spring 2023



## In This Issue

**Prez Sez   Talking PL Seniority   The PAC Report   Our Ecuadorian Adventure  
OPSEU/SEFPO Convention Makes History ... and more!**



# Prez Sez

by **Heather Giardine-Tuck**, President, OPSEU Local 240

Hello Local 240 Colleagues,

As we head into the spring/summer semester, congratulations and heartfelt thanks to our librarians, counselors, professors and instructors for all you have done to contribute to a successful year! Amidst the challenges we continue to face, you have demonstrated your commitment to supporting our students and their learning. It was wonderful to see so many of you at your Local 240 BBQ this week! Looking forward to more gatherings together.

Throughout this year, your Local 240 Officers have worked to increase the number of full time faculty positions posted, improved access to the Testing Centre, opposed the staffing model change in the PSW and Nursing programs, fought for the return of the non teaching rotation, supported librarians, counsellors, professors and instructors with their workload concerns, assisted faculty in several departments to ensure their managers were providing respectful work environments, and reviewed SWFs with faculty to answer their questions and confirm that their assignments were fair and reasonable.

As always, I encourage you to reach out to your Stew-

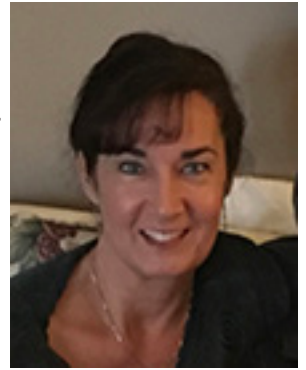
ard for assistance whenever you have a question or concern. Your Local 240 Officers and Stewards are here for you.

We are still waiting for our signed Collective Agreement from our 2021 round of bargaining which will expire September 30, 2024. Our next round of bargaining will soon begin and we will be looking to you for your input on the issues and demands we feel our next bargaining team should know.

For those leaving for vacation in May/June, I wish you the best. For those getting their break in July/August, you are almost there! For our contract faculty, I hope that you will also be able to get some rest over the summer long weekends. Please take a much-needed and well-deserved holiday this year by turning off the computer, getting away from email, and really unplugging. I believe it will do us all a world of good and help us to return in the fall feeling refreshed.

Take care and have a great summer,

Heather



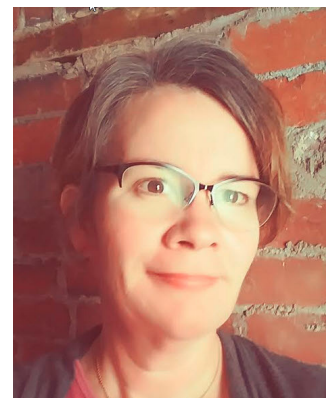
## Let's Talk About Seniority!

Local 240 fields a lot questions from partial load (PL) faculty in regard to their seniority. Some members believe they ought to have gotten more work, especially when they compare their contracts with other PL colleagues; some think they ought to have been considered for back-filled work; and some think they ought to have been interviewed or chosen for a full-time position. Thus, a review of how seniority works at Mohawk College on a practical level seems timely. Members need to know what situations may impact seniority negatively, what the limits of seniority are, and when seniority does not apply. Finally, PL faculty need to know what to do if their seniority rights are

by **Rebecca Mills**, Chief Steward, OPSEU Local 240 compromised.

### PL Work

To start, PL work is only offered after full-time professors have been SWFed. When there is a "need" (CA 26.10 E), ADs are supposed to offer work to registered PL professors first based on seniority which is course-based and department/school-specific (more on this point later). If there is no "need," no work has to be



offered no matter how much seniority a registered PL faculty member has.

### **The PL Registry and PL Seniority List**

There are two lists that come into play when PL contracts are done, so a quick review might be helpful. The PL Registry came about after the 2017 strike. Its purpose is to protect PL rights when it comes to work loading. Every year, PL faculty have to register through a link HR provides to indicate their interest in teaching the following academic year. For the first few years, the PL Registry closed at the end of October, but since the CEC imposed its contract on CAAT-A in December 2021, it now opens on November 1st and closes on April 30th each year to be in line with the traditional academic year (CA 26.10 D).

In addition, the College is supposed to maintain a record of all courses and all departments/schools in which PL professors have worked (CA 26.10 D). Historically, this information has only been distributed to ADs for work-loading purposes. Thus, although the PL Registry list has been made public annually, the record of courses associated with each faculty member has not. However, after the recent September 2022 Kaplan award, the union will be able to request the record of these courses for the first time four weeks after the publication of the PL Registry (26.10 D). Also, for the first time under the new CA, courses taught whilst part-time or sessional will be included in members' teaching records even if they don't contribute to their seniority units (26.10 D). In addition, PL faculty entitled to be paid for statutory and college holidays, "shall now have such days[s] counted for the purposes of service pursuant to Article 26.20 C" (26.09). Finally, eligible PL faculty now have the right to receive the full 12 hours every semester if there is a need (26.10 E).

Separate from the PL Registry, the PL Seniority List is a different document that gets published by HR annually at the end of January (CA 27.04 A (iii)). This list shows the summary of seniority units earned by faculty members from previous PL contracts. To recap, the PL Registry shows members who have expressed their interest in working, while the PL Seniority List displays the accumulation of those members' earned seniority units.

When a new list comes out, Local 240 typically gets questions about how one member could have passed

another. The answer is complicated, but it starts with understanding that some PL faculty accrue seniority throughout the year while others might not. One reason why some members get surpassed by others is if they took a leave. PL members don't lose any seniority whilst on approved leave, but they don't accrue any either. Another reason why members get surpassed is if they accept part-time (PT) or sessional work. PT and sessional faculty aren't members of the bargaining unit during those semesters, so they can't accrue any seniority units even if the courses they teach will now become part of their record. Even PL faculty may not earn a seniority unit every month, since up until recently, they needed 30 hours of teaching per month to earn one seniority unit (CA 26.10 C). This high number has historically presented challenges in months where a semester started late, ended early, or had a break week.

Since the Kaplan award came out on September 23, 2022, this number has gone down to 28 hours in a month which is an improvement. However, it is still important for faculty to keep track of every contract and count their monthly hours in order to monitor their seniority units (in the event of a discrepancy with HR). In addition, Local 240 recommends only accepting PL contracts to ensure seniority doesn't slide because this can impact whether or not PL faculty get offered work, especially in semesters during which enrollment drops.

### **Seniority is course-based and department-specific**

Seniority is based on the courses that have "previously been taught" by PL faculty. For instance, a COMM professor high up on the list doesn't have any seniority over math or science courses, just the COMM courses that member has previously taught. Therefore, it is entirely plausible for a PL member who has more seniority units to lose out on work to a member with less seniority units if the more senior member has not taught a particular course, but the more junior member has. This can also happen if a course is moved from one department or school to another. Where two professors have the same seniority and have taught a course before, the AD can choose who teaches the course (CA 26.10 E). Finally, seniority does not have any impact on when and where the courses are offered, so although registered PL faculty ought to get offered work after FT faculty have been SWFed, it does not mean the courses will be their first choice in terms of

time, location, or delivery method.

### **Situations that may impact seniority negatively**

#### **1. *Missing the PL Registry deadline***

It is important to note that if PL members forget to register, they may lose work because HR cannot open the list for anyone once it has closed, and PL contracts go to registered members first based on seniority. That doesn't mean that an unregistered PL professor never gets hired, but it does make things harder for them because registered PL professors will get offered work first based on seniority.

#### **2. *Restricting availability***

Typically, when there is a need, ADs will reach out to the PL faculty in their areas to find out people's availability. If PL professors limit availability, that may have an impact on the amount of work they get offered because in addition to seniority rights, ADs have to contend with scheduling. For example, Professor A has taught COMM LL123 several times, is registered, and offered availability between Monday and Friday, 9:00 am to 5:00 pm. If that AD needs to staff COMM LL123 in the evenings, Professor A has taken themselves out of the running and may lose work if there are not enough hours to make them PL during the day. In addition, if a PL professor turns down a contract due to scheduling conflicts (this sometimes happens when other colleges get their offers out early), the AD doesn't have to offer more work. Although many ADs do work with PL faculty when it comes to scheduling, they don't have to if an offer of work has already been turned down. When work is plentiful, this is not much of a problem, but when enrollment drops, PL professors need to be aware that ADs don't have to offer work à la carte. They have to meet the needs of the College, and one offer of work meets the requirements of the CA in relation to seniority rights.

#### **3. *Scheduling conflicts***

Before assuming that a PL member has lost out on work because of the nefarious machinations of an AD, it is always a good idea to check timetabling. Sometimes, courses over which a member has seniority are scheduled simultaneously, and no one can be in two places at once. If this happens, for operational reasons,

another faculty member will be offered that work. ADs can make requests of scheduling, but they are often at the mercy of this department like everyone else.

#### **4. *Not meeting regulatory requirements***

If a regulatory body plays a role in faculty credentials such as in Nursing (CNO), this may impact PL contracts, especially in clinical placements. For example, if an AD needs a faculty member to teach a group of students in a specific clinical context, such as a cardiac unit, the AD has to ensure that member has the requirements for that context in addition to consulting the PL Registry and the PL Seniority List. To accept a PL clinical contract, a Nursing faculty member must have an up-to-date license and ought to have the knowledge, skill, and judgement to work in that setting. In addition, if a placement partner or regulatory body has requirements related to health and safety, such as a certain vaccine, PL faculty have to meet those requirements. Thus, it is possible that an AD might need to hire someone with less seniority over another faculty member with more seniority if the latter isn't current with the CNO, doesn't have the clinical expertise for the position, or hasn't met the health and safety requirements of a placement partner.

#### **5. *Being incommunicado***

Although the College is supposed to get contracts to PL faculty in a timely manner, there is still a lot of work loading that happens last minute because of the ebb and flow of enrollment. If PL professors don't respond to offers of work in a reasonable amount of time, they might risk losing that contract. What is considered reasonable will vary from AD to AD, but some ADs will actually state in the contract-offer emails when the offer will sunset. ADs have to meet the College's operational needs and honour seniority rights, but ADs can't wait for faculty who are incommunicado when work loading is happening. It is important for registered PL faculty to be reachable by ADs with their most up-to-date contact information.

### **Situations in which seniority does not apply**

#### **1. *Collapsed sections***

PL work is "conditional on the college subsequently determining there is sufficient enrolment to warrant

the assignment being offered” (CA 26.10 E). Since enrollment can be unpredictable, sometimes ADs open sections only to shut them down again if not enough students register. Thus, if a PL professor loses a course (often set up by ADs as a ghost section) after the semester begins due to low enrollment, seniority does not apply. That PL professor does not have any bumping rights if a professor with less seniority still has a full 12 hours of teaching because their sections happen to have filled up with students. Worse, there is no compensation for PL professors who lose part of their workload due to low enrollment. However, if an entire workload gets cancelled after the contract has started, then those PL professors are entitled to 30 days of compensation (CA 26.10 A).

## 2. *Preferred Timetabling*

Being registered and having seniority can help a member get work if the College has a need, but it doesn't guarantee when and where that work will take place. If PL faculty are offered work at a satellite campus, early in the morning, or later in the evening, and they turn the offer of work down, ADs have met the requirements of the CA in relation to seniority. This is also true of clinical placements; seniority does not apply to when and where a placement is offered, just that the registered faculty (with the most seniority) ought to get their placement offers first.

## 3. *Complete Course Revisions*

Seniority rights can't be circumvented by a mere change of course codes or names. However, if a course has been completely rewritten or heavily revised with a new name and new course learning outcomes, new materials, etc., ADs can assign that course to whomever they want because new courses don't appear on anyone's seniority records yet. Remember, seniority is course-based.

## 4. *Back-filled positions*

Sometimes faculty go on leave unexpectedly, and their workloads need to be back filled quickly. In this situation, it would be nice for ADs to follow the general principles of seniority, but they don't have to do so. ADs can backfill a position with a professor of their choice. This also applies to finding temporary coverage for clinical placements.

## 5. *Full-time positions*

It is important to understand that having seniority and being a registered PL member does not guarantee members a full-time job. If a full-time position is posted, all applicants who have been PL faculty for at least 4 months prior to the posting (CA 27.11 B) “shall be considered internal candidates.” However, it is also important to note the applicants have to meet the criteria of the posting, so if the College requires a doctorate for operational reasons, and members do not have one, they don't have to be considered even if they are registered PL faculty with some seniority. Although Local 240 files Article 2 grievances and regularly pushes for more FT positions, hiring is a management right (CA 6.01), so the College writes all of the postings and completes all of the hiring based on its operational needs.

### **How to check if seniority rights were followed**

For PL professors who suspect something is wrong, the AD is the person to contact (as noted below), but faculty can also look up courses on Fast Suite to see who is teaching them if they still have access. In addition, Local 240 can help, too.

### **What to do if seniority rights are violated**

If there does seem to be a problem, PL professors will need to self-advocate. The first step is to email the AD in question to assert their seniority rights. However, since PL faculty are in a precarious position, Local 240 recommends that this be done diplomatically. For instance, PL members can write to ask politely if all the work they are entitled to under Article 26 has been offered to them based on their availability. ADs can make mistakes, so give them an opportunity to fix things. If they refuse, and seniority rights have been violated, then a grievance is an option, too. However, many of these issues get worked out with collegial communication.

### **How to expand seniority**

In the fall of 2020, I wrote an article about how to earn seniority and move up the pay grid, so I recommend that for some light reading. It can be found on the Local 240 web site under “News & Views.” In



short, the article recommends only taking PL contracts so that members can steadily increase their seniority and, as a result, their pay. Now that only 28 hours per month will be required to earn one unit of seniority, PL faculty will hopefully increase their seniority much more quickly. However, if members have an opportunity to teach more than one course or to teach a new course, this can expand their records. Remember, seniority is important, but its moot for members who have never taught a particular course. The more courses a PL professor has taught, the more expansive their seniority “record” becomes (CA 26.10 D).

### Final thoughts

Having seniority is a significant right for PL professors, but PL workloading is complicated. To sum up, first there has to be a “need” after all full-time professors have been SWFed. Then ADs are supposed to consult the two lists: the PL Registry and the PL Seniority List. Work ought to be offered to PL professors who are registered and who have taught the courses before. However, the College has to meet its opera-

tional needs, so this includes scheduling classes from 8:00 am to 10:00 pm at multiple locations. As a result, PL faculty who restrict their availability to certain days/times may lose out on work.

Timetabling can also create conflicts, so ADs have to work around the schedule, too. Regulatory and placement-partner requirements may also impact workloading, especially in specialized medical fields. In addition, having seniority doesn’t guarantee full-time work.

To close, it is important to understand how seniority works so that members can assert their rights in cases where ADs accidentally or willfully bypass the CA. Members who have any questions about seniority can reach out to their Local 240 steward or to [opseu240@gmail.com](mailto:opseu240@gmail.com).

### References

Academic Employees Collective Agreement. Ontario Colleges of Applied Arts and Technology. The College Employer Council-OPSEU. (2017-2021).

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# The PAC Report

The Local 240 Political Action Committee (PAC) has been busy again during the 2022-2023 academic year.

### Worker’s Vote for Change

In October of 2022, the PAC contributed to the Workers Vote for Change fund. This Hamilton initiative saw several local unions combine their funds in order to support progressive candidates in Hamilton’s municipal elections. The election results were promising, with eight new councilors joining City government, and the progressive wing of Council adding new members like Ward 2’s Cameron Kroetsch and Ward 13’s Alex Wilson. Other progressive candidates came a close second in their respective races, including Ward 5’s Lynda Lukasick, founder of Environment Hamilton, and Ward 14’s Kojo Damptey. It is hoped that these

by **Kevin MacKay**  
Vice President, OPSEU  
Local 240, Mohawk



excellent candidates will run again in the next municipal election.

### Hamilton Solidarity Network

OPSEU Local 240 is a member of [Shut Down Hate](#) – a coalition of Hamilton unions that came together in 2019 to oppose the rise of organized hate groups in the City. Shut Down Hate is an ad-hoc committee of the Hamilton and District Labour Council. In late 2022, Shut Down Hate organized meetings among a broad swathe of Hamilton’s activist community, with the goal of creating a Hamilton Solidarity Network (HSN). The HSN is intended to build community among the City’s diverse labour, environmental, and social justice organizations. In February of 2023, the HSN held its first

Organizers' Dinner at the USWA Local 1005 Steelworkers' Hall on Barton Street. Despite a massive snowstorm the morning of the event, the dinner attracted 25 community organizers from over a dozen different groups. The event was highly successful, leading to another HSN dinner being planned for Thursday, May 25th. The Local 240 PAC was a key supporter of the first dinner, helping provide a delicious free meal to the activists who attended.

## International Women's Day

The 240 PAC reinvigorated a beloved tradition on March 8 of this year – hosting interactive tables for International Women's Day at the Fennell and Stoney Creek campuses. Before a two year break due to COVID-19, the PAC had held IWD events for eight consecutive years. It was great to once more be on campus and talking to students about women's rights and gender equality. At each table, faculty members asked students to respond to questions about IWD and to write their answer on a large poster. As always, student engagement in the event was excellent, and the fact that participating students got a cookie probably didn't hurt!

## Gig Workers' United

On March 29, the 240 PAC hosted a table at Fennell Campus with Gig Workers' United (GWU). GWU is a group of workers in the "gig"

economy – delivering for UberEats, Door Dash, or Skip the Dishes, or driving car for Uber. These workers have formed a union in order to improve working conditions, wages, and benefits for those in the gig economy. GWU helps workers advocate for themselves and also builds collective power to change the laws that govern gig work and to ensure that workers aren't exploited by companies like Uber that try to deny that their drivers are "employees", instead treating them like "independent contractors" that do not qualify for basic Employment Standards Act (ESA) protections. If you know anyone working in the gig economy, please forward them information on [GWU](https://gigworkers.ca).





# OUR ECUADORIAN ADVENTURE!

**HOLA AMIGOS!**

by **Dr. Alan Bourke**, professor, Liberal Studies



In February of this year, following several months of planning and preparation, a group of twelve Mohawk faculty and staff packed their bags, bid farewell to the bleakness of the Canadian winter, and headed off on an overnight flight to Ecuador. Over the course of nine days and four different locations, and shepherded by our wonderful guides Eva and Diego, we had enrolled in Operation Groundswell's [Food Revolutions program](#) to learn about agroecology, Indigenous food sovereignty, and sustainable agriculture.



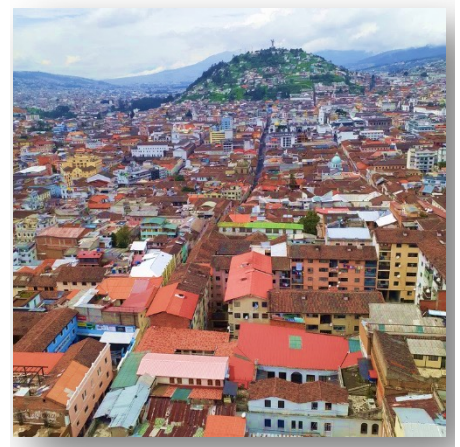
## Days 1-3

Our first stop was Quito, nestled high in the Andean foothills and the second-highest capital city in the world. Still bleary-eyed from the flight, we enjoyed a Spanish lesson at the [Yanapuma Spanish School](#), a non-profit dedicated to education and community development. Acclimatizing ourselves to the altitude, we enjoyed some local food and explored the bustling streets of the Centro Histórico, declared a UNESCO World Heritage Site in 1978.



## Days 3-5

Two hours or so from Quito, and with a view of the ash plume emanating from the Cotopaxi volcano in the distance, our next stop was at the [Shunku Bee Farm](#). Bunking at night in rustic out-houses and bundled in blankets to insulate ourselves from the night chill, we spent two days learning about our buzzy little foraging friends from our host Gabby, while her husband David treated us to delicious communal meals made from locally sourced food. Separating into small groups, Gabby delegated us to tend to bees, plant trees, stack logs, and pick strawberries. Our stay at the farm was one of mindfulness, meditation, and conversations about the imperative of living in harmony with the natural world.



## Days 5-7

Following our two-day retreat at the bee farm, we bundled back into the mini-bus and ascended into the cloud-covered mountains on the four-to-five-hour trip to the Province of Santo Domingo. Driving up and through deep-valleyed gorges and densely forested mountain ridges, past cascading waterfalls, quickly glimpsed signs for roasted guinea pig, through bustling towns and ramshackle villages, we arrived at the community-based tourism centre [Shino pi Bolon](#) to stay with the Tsáchila people in the Bua community.

Located in a rainforest clearing beside a slowly mean-



dering river, the rainforest was alive with bugs, snakes, bats, birds, an armadillo or two, and all manner of flora and fauna. The worries of the world melted away as guided by our host Alphonso, we carried logs to the river, trekked into the rainforest to learn about the wonderful variety of fruits and seeds, and listened to his stories about the past and present history of the Tsáchila people.

During our stay, we reflected on our experience, chatted about decolonization and the wasteful consumerism of our Norther American lifestyles, and on how we could use what we were learning in the classroom, the library, at home, and in our daily lives. We ate food harvested from the forest, swung in hammocks, washed in the river, drank hot chocolate from cacao seeds we ourselves had milled, soaked up the beauty of the forest and, on the final day, danced joyfully with the Tsáchila in a community celebration.

### Days 7-8

Pausing ever so briefly by the [Mitad Del Mundo](#) monument that divides the southern and northern hemispheres, our next stop was at the [Fundacion Brethren Unidada](#) (FBU) near the town of Tabacundo, dedicated to community agricultural development and sustainable food production. As cockerels crowed and farm dogs barked, our host Alfredo put us to work tending to the 20-hectare hacienda's tree nursery, blackberry plantations, and vegetable gardens.

### Day 9

Back on the bus, and running dangerously low on clean underwear, we headed back to Quito. Following a quick refresh at the hostel, we went for a final stroll through the streets of Quito and tested our haggling skills at a local arts and crafts market. Our Ecuadorian adventure was an exhilarating experience, with highlights too numerous to mention, and now feels like the most wonderful of lucid dreams. It is an experience that will stay with us for a long time, and one we wholeheartedly recommend to our colleagues and friends.

We would like to thank Local 240 for their generous support for this important faculty experiential learning trip.





# OPSEU / SEFPO 2023 Convention Makes History

by **Kevin MacKay**, Vice President, OPSEU Local 240

From April 19th through April 21st, over 2100 delegates, alternates, and observers took part in the 2023 OPSEU/SEFPO Convention in Toronto. It was the first Convention officiated by new President JP Hornick - a labour studies professor from George Brown College, and a powerful voice for change within OPSEU/SEFPO and the broader labour movement. Her [opening speech](#) at Convention is an inspiring example of the new energy she brings to our union.

At last year's Convention, JP and her First Vice President, Laurie Nancekivell, deposed the long-time leadership of former President Warren "Smokey" Thomas and Vice President Eduardo Almeida. Both Thomas and Almeida have since been named in a [lawsuit](#) filed by OPSEU/SEFPO alleging millions of dollars in misappropriated union funds. Corruption within the union's senior leadership had been suspected for years, but it wasn't until the change in President and Vice President positions that a full forensic audit could be engaged, and an extensive history of fraudulent financial practices uncovered.

Apart from rooting out corruption and pursuing justice for OPSEU/SEFPO members, our new leadership has been busy reorganizing our union into a fighting, grassroots organization, focused on organizing new workers, defending collective agreements, and bargaining for improved wages, benefits, and working conditions. OPSEU/SEFPO is once more a union prepared to confront intransigent employers and hostile governments

in defense of its members. This is a welcome change, as under previous leadership

it was often difficult to get the support required for bargaining, and especially for job action or strikes.

An important part of OPSEU/SEFPO's transformation involves a renewed commitment to equity. We are stronger when we realize the diversity of our membership and strive to include all voices and perspectives in the work of the union. To this end, JP introduced a resolution

to the Constitution that would create seven new equity seats on the OPSEU/SEFPO provincial board. After an initial set-back in which the resolution was narrowly defeated, a motion for reconsideration sparked a groundswell of support from the delegates on the floor. With mere minutes left in the final day of Convention,

[the motion was passed](#), and a 20 year struggle to allow equity representation on the board was finally achieved.

In keeping with the recognition of equity at the 2023 Convention, [the Human Rights Award](#) was given to the Colleges of Applied Arts and Technology - Academic (CAAT-A) Bargaining Team. The CAAT-A team was acknowledged for the historic gains that College Faculty

made in the latest round of contract negotiations, in which principles of Indigenization and Equity were enshrined in the Collective Agreement, and a new process for acknowledging traditional indigenous knowledge during the hiring process was introduced.



Local 240 delegates on the Convention floor



Local 240 delegates and our support staff colleagues in Local 241



**OPSEU Local 240 Mohawk College Faculty Area Stewards: September 1, 2022 - August 31, 2024**

AREA	STEWARD	Campus & Phone Ext 905.575.1212
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Electro-technology Programs	Vijay Khatri	Fennell x3572 vijay.khatri@mohawkcollege.ca
Social Service Work and Community Studies	Heather Giardine-Tuck	Fennell x4065 heather.giardine-tuck@mohawkcollege.ca
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Liberal Studies and Music	Dan Popowich	Fennell x3690 dan.popowich@mohawkcollege.ca
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Health, Wellness & Fitness; RMT; Recreation Therapy; Health Studies	Dan MacLennan	Fennell x3641 dan.maclennan@mohawkcollege.ca
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Partial Load: Fennell Campus	Rebecca Mills	Fennell x4186 rebecca.mills@mohawkcollege.ca
Skilled Trades: Transportation & Industrial, Apprenticeship, Construction, Electrical, Fuels & Green Tech	Justin Decosemo	Stoney Creek x5669 justin.decosemo@mohawkcollege.ca
Skilled Trades: Transportation & Industrial (FF)	Vacancy	
	<b>TRUSTEES/AUDITORS</b>	
	Carol Tristani & Cornel Fulop	Fennell
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