



## **AMVETS POST 18**

**Winchester, VA**

# **CONSTITUTION AND BYLAWS**

# Constitution and Bylaws - 2016

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## POST 18 CONSTITUTION

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## **POST 18 CONSTITUTION**

### **PREAMBLE**

We, the American veterans who have served or are serving in the Armed Forces of the United States during and since World War II, fully realizing our responsibility to our community, to our State, and to our Nation, associate ourselves for the following purposes: To uphold and defend the Constitution of the United States; to safeguard the principles of freedom, liberty, and justice for all; to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these veterans, and to dedicate ourselves to the cause of mutual assistance, this by the Grace of God.

### **ARTICLE I. NAME**

The name of this organization shall be AMVETS, Post 18, Winchester, Virginia, and it shall be hereinafter referred to as the Post.

### **ARTICLE II. AIMS**

The aims and purposes of this organization are as follows:

1. To serve our country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
2. To encourage, in keeping the policies of our Government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.
3. To inspire in our membership a sense of responsibility and to develop leadership for the preservation of our American democratic way of life.
4. To help unify divergent groups in the overall interest of American democracy.
5. To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.
6. To cooperate with all duly recognized existing veterans' organizations in the furtherance of the aims of the American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
7. To ensure the orderly return of the veterans to civilian life by protecting their rights as individuals while still in uniform.
8. To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, providing counsel of insurance, housing, recreation, personal challenges, hospitalization, and veterans benefits.
9. To act as a liaison agent between the veteran and the Government.
10. To provide an organization to encourage fellowship among all American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

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11. To keep the public forever reminded that American veterans who have served or are serving in the Armed Forces of the United States during and since World War II fought and served to preserve peace, liberty, and democracy of their Nation.

## ARTICLE III. MEMBERSHIP

**Section 1:** Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940 is eligible for regular membership in AMVETS provided such service, when terminated by discharge, or release from active duty, be by honorable discharge, honorable separation or general discharge under honorable conditions.

**Section 2:** Any American citizen as an American citizen, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS provided such service - when terminated by discharge or release from active duty - is by honorable discharge or honorable separation.

**Section 3:** No person who is a member of, or who advocates the principles of any organization believing in, or working for the overthrow of the United States Government by force, and no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be, a member of this organization.

**Section 4:** All United States reservists and national guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS provided such service - when terminated by discharge or release - is by honorable discharge or separation.

**Section 5:** Honorary membership shall not be granted.

**Section 6:** No person shall be a member of more than one post at any one time.

**Section 7:** No person expelled from one post shall be eligible for membership in any other post without the consent of the expelling post, or consent of the Department Executive Committee (DEC) after hearing an appeal.

**Section 8:** This Post shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the national and department organizations.

**Section 9:** Membership year shall run from September 1 through August 31.

**Section 10:** Eligibility for membership and the rights and privileges of members shall be as provided in the Constitution and Bylaws, and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, sex or national origin.

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## ARTICLE IV. OFFICERS

**Section 1:** Officers of the Post shall consist of a Commander, not more than three Vice Commanders, Adjutant, Finance Officer, Provost Marshal, Judge Advocate, three trustees, and such other officers as may be prescribed by the Post Bylaws, Article V Section 1.

**Section 2:** Nomination and election of officers shall be held annually between May 1 and June 30. Nominations shall be made from the floor at the annual meeting.

## ARTICLE V. POST EXECUTIVE COMMITTEE

The elected and appointed officers of the Post and the Immediate Past Post Commander shall constitute the Post Executive Committee (PEC) which shall be charged with the administrative affairs and property of the Post. The PEC shall formulate the policy of the organization for approval by the members.

## ARTICLE VI. POST ORGANIZATION

**Section 1:** This Post shall be governed by the officers chosen in accordance with this Constitution and Bylaws and will annually revalidate its charter prior to July 15. Such revalidation shall be evidenced by the issuance of a Revalidation Certificate issued by the National Department upon satisfactory completion of all requirements. Aside from any other requirements imposed by the Department or National Constitution and Bylaws, the Post shall:

- (a) Furnish National Headquarters and the Department Headquarters with a certified list of current Post officers not later than July 15;
- (b) Provide a written statement to the National Headquarters that the post has/has not filed an IRS Form 990 with the Internal Revenue Service for the fiscal year;
- (c) Furnish National Headquarters with a copy of the Post's current Constitution and Bylaws or certify on the Change of Officers Form that the copy on file has not been altered, changed, or amended.
- (d) Be fully paid up in all accounts with National Headquarters;
- (e) Comply with applicable liability insurance and bonding mandates;
- (f) Have a minimum of ten members in good standing at all times.

**Section 2:** Within thirty days of notice to surrender its charter resulting from disciplinary or voluntary action, the Post will close all bank accounts and deliver to the Department of Virginia or National Headquarters all Post records, property and assets.

## ARTICLE VII. SUBORDINATE ORGANIZATIONS

**Section 1:** A subordinate organization of this post may be established only by a provision of the Post's Constitution, and in keeping with the National Constitution and Bylaws.

**Section 2:** All subordinate organizations' membership qualifications must be consistent with the aims and purposes of AMVETS.

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**Section 3:** All AMVETS subordinate organizations shall follow the same membership year and pay membership dues in concert with the parent organization.

**Section 4:** All subordinate organizations must be under the jurisdiction of the AMVETS Post whose name it bears and shall carry the corresponding number of the Post.

**Section 5:** A two-thirds vote of the AMVET members present at a stated meeting is required to approve and form a subordinate organization.

**Section 6:** AMVETS Post members must be given written notice of such meeting a minimum of fifteen days prior to the proposed formation.

**Section 7:** Where no Post exists, a subordinate organization shall not be formed, nor continue to operate as an independent entity. The subordinate's charter must be surrendered along with any property it may possess to the duly recognized subordinate officer in accordance with the Constitution of the national subordinate organization.

**Section 8:** Wherever a post clubroom is maintained and operated for the convenience and pleasure of its member, and the name AMVETS or its insignia are displayed or used, a board of trustees shall be elected by and from among the members of the post to supervise its activities, operations and finances.

**Section 9:** No fundraising activities can be sponsored by any subordinate organization without the recommendation of the AMVETS Post Executive Committee and the prior approval of the AMVETS Department and National organizations in compliance with National Bylaws Article VII, Section 3 (a).

### ARTICLE VIII. AUXILIARY

**Section 1:** AMVETS recognizes a subordinate organization known as the AMVETS Ladies Auxiliary.

**Section 2:** Membership eligibility:

(a) Mothers, wives and grandmothers, regardless of age, and to the daughters, sisters and granddaughters not less than eighteen years of age of regular members of AMVETS, and to

(b) Mothers and widows, regardless of age, and daughters, sisters and granddaughters not less than eighteen years of age or deceased veterans who would have been eligible for membership in AMVETS.

(c) Female veterans who served honorably in the Armed Forces of the United States after Sept. 15, 1940, or as an American citizen in the armed forces of Allied countries, after Sept. 15, 1940 and before May 8, 1975, who maintain their AMVET membership unless they meet established criteria.

(d) Any Auxiliary member who qualifies and joins as a member under the criteria in Section 2 (a), (b) or (c) shall be allowed to remain an Auxiliary member so long as she remains a member in good standing.

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**Section 3:** AMVETS recognizes a subordinate organization known as Sackets, a fun and honor organization of the AMVETS Auxiliary.

## ARTICLE IX. SAD SACKS

**Section 1:** AMVETS recognizes a subordinate organization known as AMVET Sad Sacks of American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

**Section 2:** Membership in Sad Sacks shall be limited to members in good standing of AMVETS.

## ARTICLE X. JUNIOR AMVETS

**Section 1:** AMVETS recognizes a subordinate organization known as Junior AMVETS.

**Section 2:** Membership is limited to children from the age of five up to and including seventeen years, who are the sons and daughters, brothers and sisters, and grandchildren of AMVETS, deceased servicemen who would have been eligible for AMVETS membership, including all children for whom they are legal guardians.

## ARTICLE XI. SONS OF AMVETS

**Section 1:** AMVETS recognizes a subordinate organization known as Sons of AMVETS.

**Section 2:** Membership is limited to all male descendants, grandsons, adopted sons and stepsons, fathers, husbands, widowers and brothers of members of AMVETS and deceased members of AMVETS, or service personnel who died and would have been eligible for membership in the parent AMVETS organization.

**Section 3:** The Applicant for the Sons of AMVETS must be at least eighteen years of age and cannot be a member of nor be eligible for membership in the parent organization of AMVETS.

## ARTICLE XII. AMVETS RIDERS

**Section 1:** AMVETS recognizes a subordinate organization known as AMVETS Riders.

**Section 2:** Eligibility for membership in the AMVETS Riders shall be limited to members in good standing of AMVETS, AMVETS Ladies Auxiliary and Sons of AMVETS.

## ARTICLE XIII. DEFINITIONS

**Section 1:** National Headquarters. The National Headquarters is the senior functioning administrative agency of the organization and is composed of National officers, both elected and appointed. The National Executive Committee (NEC) is comprised of the elected and appointed officers of AMVETS, National Headquarters.



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**Section 2:** National Districts. The United States is divided into six Districts. The National District II consists of the Departments of the District of Columbia; the Department of Delaware; the Department of Maryland; the Department of North Carolina; the Department of Pennsylvania; the Department of Virginia; and the Department of West Virginia.

**Section 3:** Departments. Departments are organized and function similarly to the National Organization; however, their jurisdiction is limited to state boundaries. The Department Executive Committee (DEC) is comprised of the elected and appointed officers of AMVETS, Department of Virginia.

**Section 4:** Post. Posts are the fundamental units of AMVETS. Local Posts are formed within the Department entities and function within their respective jurisdictions. The Post Executive Committee (PEC) is comprised of the elected and appointed officers of AMVETS, Post 18.

### ARTICLE XIV. AMENDMENTS

**Section 1:** This Constitution may be amended by a majority vote at the Post annual meeting. Proposed amendments will be submitted and sent to the membership at least ten days prior to the meeting.

**Section 2:** This Constitution, however, may be amended at the Post annual meeting without notice by a two thirds vote of those members present.

**Section 3:** Amendments to this Constitution shall take effect upon adoption unless otherwise specified by the resolution.

**Section 4:** No amendment may be adopted unless referred to the Constitution and Bylaws Committee, which will consider it and report on it at the Post annual meeting.

**Section 5:** Copies of all adopted amendments shall be forwarded to the Department for review by the Department Judge Advocate within thirty days after their adoption.

**Section 6:** The Department Judge Advocate will forward the approved copies to the National Headquarters for placement in the permanent Post file.

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## CERTIFICATION

This document is a true copy which was adopted by the membership of Virginia Post 18 at the Post Annual Meeting held on May 18, 2016.

18 May 2016

\_\_\_\_\_  
Date

DAVID G. LOY Colonel, USA Retired

\_\_\_\_\_  
Signature of Post Judge Advocate

**Original Signed**

18 May 2016

\_\_\_\_\_  
Date

JAY L. MARTS Colonel, USA Retired

\_\_\_\_\_  
Signature of Post Adjutant

**Original Signed**

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## POST 18 BYLAWS

### ARTICLE I. QUORUM

**Section 1:** At all regular, special and annual meetings at least ten members present shall constitute a quorum, providing at least two elected officers are present to preside, of which one must be the Commander or a Vice Commander.

**Section 2:** A quorum at PEC meetings shall consist of five members of the Committee of which one must be the Commander or a Vice Commander.

### ARTICLE II. POST EXECUTIVE COMMITTEE

**Section 1:** The elected and appointed officers of the Post and the Immediate Past Post Commander shall constitute the PEC which shall be charged with the administrative affairs and property of the Post. The PEC shall formulate the policy of the organization for approval by the members.

**Section 2:** The PEC shall meet on the second Tuesday of each month at a location identified by the Time and Place Committee.

(a) PEC meetings shall be rescheduled for alternate dates or locations due to location conflicts, holiday conflicts, other scheduled Post activities, or inclement weather.

(b) PEC members shall be notified of the rescheduled place and date.

### ARTICLE III. COMMITTEES

**Section 1:** The following standing Committees shall be:

- (a) Membership.
- (b) Programs and Americanism.
- (c) Legislative.
- (d) Finance.
- (e) Time and Place.
- (f) Constitutional and Bylaws.
- (g) Hospital and Welfare.
- (h) Audit.
- (i) Records Management.

**Section 2:** Membership Committee shall be chaired by First Vice Commander, and other members shall be appointed as are necessary to accomplish its objectives.

**Section 3:** Programs and Americanism Committee shall be chaired by the Second Vice Commander, and other members shall be appointed as are necessary to accomplish its objectives.

**Section 4:** Legislative Committee shall be chaired by the Third Vice Commander, and other members shall be appointed as are necessary to accomplish its objectives.

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**Section 5:** Finance Committee shall be chaired by the Finance Officer, and other members shall be appointed as are necessary to accomplish its objectives.

**Section 6:** Time and Place Committee shall be chaired by the Provost Marshall, and other members shall be appointed as are necessary to accomplish its objectives.

**Section 7:** Constitutional and Bylaws Committee shall be chaired by the Judge Advocate, and other members shall be appointed as are necessary to accomplish its objectives.

**Section 8:** Hospital and Welfare Committee shall be chaired by the Chaplain, and other members shall be appointed as are necessary to accomplish its objectives.

**Section 9:** Audit Committee shall be chaired by the one year Trustee, and shall include the two Year and three Year Trustees.

**Section 10:** Records Committee shall be chaired by the Adjutant and other members shall be appointed as are necessary to accomplish its objectives.

**Section 11:** Temporary committees shall be appointed by the Commander, and approved by the PEC to expedite projects for the good and welfare of the Post, and shall serve at the pleasure of the Commander.

**Section 12:** Standing Committees shall meet on an as needed basis at a time and place identified by the Committee Chair.

**Section 13:** Standing Committees Chair(s), or their designate, shall report to the Post membership when called upon by the Commander.

## ARTICLE IV. MEETINGS

**Section 1:** There shall be three types of meetings:

- (a) Regular monthly meetings.
- (b) Special meetings.
- (c) Annual meetings.

**Section 2:** The Post members shall be notified in advance of all meetings.

**Section 3:** Only Post members in good standing shall be allowed to vote.

**Section 4:** Regular monthly meeting

- (a) There shall be one Regular meeting each month, normally on the same recurring date at a location as identified by the Time and Place Committee.
- (b) Any changes to the Regular meeting shall be approved by the membership at a Regular scheduled meeting.

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- (c) Regular monthly meetings may be rescheduled for alternate dates or locations due to location conflicts, holiday conflicts or inclement weather.
- (d) Members shall be notified of the rescheduled place and date.

### **Section 5:** Special meeting.

- (a) Special meetings may be requested by any member in good standing.
- (b) Special meetings shall have the concurrence of four members of the PEC at such time and place as they designate.
- (c) No business shall be transacted at any special meeting except that for which the meeting was called.

### **Section 6:** Annual meeting.

- (a) Annual meeting dates shall be the third Wednesday of May at location identified by the Time and Place Committee, unless notified otherwise at the previous meeting.
- (b) Written notification of the annual meeting shall be distributed to the membership by direct mail or electronic mail based on member's preferred method of notification at least ten days in advance of the annual meeting.

**Section 7:** The order of business shall be prescribed by the PEC but shall be changed when necessary.

**Section 8:** Nominations for officers shall be entertained and announced at the April regular meeting. Further nominations may be made from the floor at the annual meeting.

**Section 9:** All meetings of this Post shall be conducted in accordance with *Robert's Rules of Order Newly Revised*.

## **ARTICLE V. ELECTION AND APPOINTMENT OF OFFICERS**

**Section 1:** A Commander, and up to three Vice Commanders designated as First Vice Commander; Second Vice Commander; Third Vice Commander; Adjutant; Finance Officer; Provost Marshal; Judge Advocate; and one Trustee for a three year term, shall be elected annually by members of the Post. A Chaplain; Historian; Service Officer; and Public Relations Officer shall be appointed annually by the newly elected Commander with the approval of the PEC.

**Section 2:** The election of officers shall be held at the annual meeting of the Post.

- (a) The vote shall be taken in the manner prescribed by the post membership.
- (b) If by written ballot, sufficient paper ballots shall be prepared in advance by the adjutant.
- (c) The provost marshal shall distribute, collect and count the ballots and shall thereafter make the announcement of the results.
- (d) Only members in good standing in person at the meeting shall be entitled to vote. National and Department Headquarters shall be notified of the election of new officers by the Post adjutant within thirty days after the said elections have been completed.

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**Section 3:** The newly elected and appointed officers shall be sworn in following the election of officers at the annual meeting and shall take office effective immediately.

**Section 4:** Duties of the officers shall be as described by AMVETS Officer Manual; other duties as are usually incident to the office; and as requested by the Commander.

**Section 5: Commander**

(a) The Commander shall be the head of the Post with full power to enforce the provisions of the Post Constitution, the Post Bylaws, and the will of the Post membership.

(b) The Commander shall be elected at the annual Post meeting for a one year term and shall serve no more than two consecutive one year terms.

(c) No elected Commander shall be eligible for re-election as Commander after having served two full terms of consecutive one year term until at least one intervening year has elapsed.

(d) The Commander shall serve as an ex officio member of all committees and shall not vote on any committee, except in the case of a tie.

**Section 6: Vice Commanders.** The Vice Commanders shall act as representatives of the Commander in all matters referred to them by the Commander, and on the Commander's request, preside over sessions of the Post meetings and the PEC.

**Section 7: First Vice Commander**

(a) The First Vice Commander shall be primarily responsible for the membership of the organization; shall review and reevaluate current membership programs and convey recommendations to the Commander and the PEC; shall endeavor to create and present new membership incentives to the Commander and PEC and shall perform such other duties in connection with membership as the Commander shall direct.

(b) The First Vice Commander shall be elected at the annual Post meeting for a one year term.

(c) No elected First Vice Commander shall be eligible for re-election as First Vice Commander after having served two full terms of consecutive one year term until at least one intervening year has elapsed.

**Section 8: Second Vice Commander**

(a) The Second Vice Commander shall be primarily responsible for the programs of the organization; shall also review and reevaluate the current programs and convey recommendations to the Commander and PEC; shall endeavor to create and present new programs; shall be knowledgeable on all programs instituted by National and the Department of Virginia AMVETS. The Second Vice Commander shall perform such other duties in connection with AMVETS programs as the Commander shall direct.

(b) The Second Vice Commander shall be elected at the annual Post meeting for a one year term.

(c) No elected Second Vice Commander shall be eligible for re-election as Second Vice

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Commander after having served two full terms of consecutive one year term until at least one intervening year has elapsed.

**Section 9:** Third Vice Commander. To be elected at the discretion of the Post membership.

(a) The Third Vice Commander shall be primarily responsible for the legislation of the organization.

(b) The Third Vice Commander shall be elected at the annual Post meeting for a one year term.

(c) No elected Third Vice Commander, shall be eligible for re-election as Third Vice Commander after having served two full terms of consecutive one year term until at least one intervening year has elapsed.

**Section 10:** Adjutant

(a) The Adjutant shall be charged with the administration of the policies and mandates of the Commander and the PEC; shall prepare official correspondence for the Post; and shall serve as the secretary of the Post.

(b) The Adjutant shall be elected at the annual Post meeting for a one year term.

**Section 11:** Finance Officer

(a) The Finance Officer shall be custodian of the funds of the Post. The Finance Officer shall make reports on the condition of the Post treasury when called for by the Commander or PEC.

(b) The Finance Officer shall be elected at the annual Post meeting for a one year term.

**Section 12:** Provost Marshall

(a) The Provost Marshall shall maintain order at Post meetings and such other ceremonies or functions as directed by the Commander; responsible for the care of the colors; coordinating and arranging meeting rooms; and verifying current AMVETS membership prior to all meetings.

(b) The Provost Marshall shall be elected at the annual Post meeting for a one year term.

**Section 13:** Judge Advocate

(a) The Judge Advocate shall advise the Post officers on all legal matters, including the interpretation of the National and Department Constitution and Bylaws; and review all agreements prior to execution by the organization.

(b) The Judge Advocate shall be elected at the annual Post meeting for a period of one year.

**Section 14:** Trustees

(a) The Post Trustees shall have oversight of all Post monies received and disbursed by performing an audit at the conclusion of the second quarter (February) and at the conclusion of the fiscal year (August) as prescribed in Article VIII, Section 17 of these Bylaws.

(b) The Trustees shall receive copies of all money receipts prepared by members when monies are collected and given to the Finance Officer for deposit. These receipts shall be verified during

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the self-audit.

(c) One Trustee shall be elected at the annual Post meeting for a period of three years.

(d) There shall be three Trustees divided into three classes of one each individual serving a staggered term. Each year one shall be elected for a three year term, meaning that during any given time, there will be a Trustee serving a three year term; a Trustee serving a two year term; and a Trustee serving a one year term.

(e) No elected Trustee of an outgoing class shall be eligible for re-election as a Trustee after having served two full terms of three years until at least one intervening year has elapsed.

### **Section 15: Chaplain**

(a) The Chaplain shall perform such religious and nonsectarian services as may be necessary, adhering to the appropriate ceremonial rituals.

(b) The Chaplain shall be appointed by the Commander with the approval of the PEC and shall serve at the pleasure of the Post Commander and PEC.

### **Section 16: Historian**

(a) The Historian shall be responsible for compiling from year to year all records of historical value and interest for the Post.

(b) The Historian shall be appointed by the Commander with the approval of the PEC shall serve at the pleasure of the Commander and PEC.

### **Section 17: Service Officer**

(a) The Service Officer shall be the service and welfare officer of the Post; assist with employment issues; inform veterans of rights; deal with legislation concerning veteran's affairs; and answer individual requests for information.

(b) The Service Officer shall be appointed by the Commander with the approval of the PEC and shall serve at the pleasure of the Commander and PEC.

### **Section 18: Public Relations Officer**

(a) The Public Relations Officer ensures that items of public interest are published in the local media; and shall keep the public constantly advised of declared and established AMVETS policies and activities.

(b) The Public Relations Officer shall be appointed by the Commander with the approval of the PEC and shall serve at the pleasure of the Commander and PEC.

**Section 19:** In the event of a vacancy in the Office of the Commander, the First Vice Commander shall succeed to that office. In the event of a vacancy in the office of the First Vice Commander, the Second Vice Commander shall assume the office First Vice Commander. Any additional Vice Commanders specified in the Post Bylaws shall similarly participate in succession.



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**Section 20:** In the event of a vacancy in the office of the most Junior Vice Commander, or any other elected or appointed officer, regardless for such vacancy, the Commander shall appoint an AMVET to fill the vacant office for the unexpired term. Such appointment shall be made with the approval of the PEC. The appointed shall be in compliance with all qualifications and restrictions regarding the holding of said office as set forth in any article of the Constitution or Bylaws of AMVETS. On approval of the PEC, the appointee shall assume all powers and responsibilities pertaining to the office as though elected.

**Section 21:** All elected and appointed officers shall be voting members of the PEC.

### ARTICLE VI. DELEGATE TO NATIONAL CONVENTION

**Section 1:** The current Post Commander shall serve as the Post Delegate to the National Convention.

**Section 2:** In the event the Post Commander is unable to attend, the order of attendance shall be the First Vice Commander; Second Vice Commander; Third Vice Commander, Adjutant, Finance Officer, delegate elected by membership.

**Section 3:** The Post Delegate shall be reimbursed for attending the AMVETS National Convention as follows:

- (a) Hotel cost plus taxes.
- (b) Early conference registration.
- (c) Round trip mileage reimbursement from the zip code of the Delegate's home address to the zip code of the meeting address, as recommended by the finance committee and approved by the PEC. The recommended travel is 500 miles per day.
- (d) If the Post Delegate opts to fly, the cost of the airline ticket shall not exceed that of the cost of mileage.
- (e) Daily meal allowance and maximum reimbursements are recommended by the finance committee and approved by the PEC.

### ARTICLE VII. DELEGATES TO DEPARTMENT CONVENTION AND DEPARTMENT EXECUTIVE COMMITTEE MEETINGS

**Section 1:** At least thirty days prior to the Department Convention, Post delegates shall be chosen to attend the Department Convention to be held in June and four DEC meetings to be held, from June through May of the following year.

**Section 2:** The number of delegates from the Post shall be determined as follows:

- (a) Post Charter. The Post charter shall receive three delegates.

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- (b) Post Membership. The Post shall receive one delegate for each ten members in good standing up to a maximum of 100 members for a maximum of ten delegates.
- (c) Department/Service Foundation Officers. The Post shall receive one delegate for each member serving as a Department or Service Foundation Officer entitled to vote at the quarterly DEC meetings.
- (d) Post Commander shall be a Delegate.
- (e) Immediate Past Post Commander shall be a Delegate.
- (f) Remaining number of Delegates to be selected by election by the membership.

### **Section 3:** Delegate selection.

- (a) Members wanting to attend the Department Convention shall make their desires known to the Post Adjutant sixty days prior to the Department Convention.
- (b) Members shall be nominated and elected by the members.

**Section 4:** The Post Delegate for the Post, normally the Commander, is reimbursed by the Department of Virginia AMVETS.

**Section 5:** The elected and appointed Post Delegates shall be reimbursed for attending the Department of Virginia Department Convention and DEC meetings as follows:

- (a) Shall be required to carpool and share a hotel room.
- (b) Hotel cost plus taxes.
- (c) Conference registration.
- (d) Round trip mileage reimbursement, from the zip code of the Delegate's home address to the zip code of the meeting address, at the rate as recommended by the finance committee and approved by the PEC.

## **ARTICLE VIII. FINANCE**

**Section 1:** The total annual dues of this Post shall be set at \$34.00 of which \$15.00 per member shall be paid to National, \$6.00 to the Department, and the Post shall retain \$13.00. The balance shall be deposited in the Post's general funds account.

**Section 2:** Life member dues are \$250.00 of which \$125.00 is remitted to National Headquarters, and \$62.50 is forwarded to the Department and the Post shall retain \$62.50. The balance shall be deposited in the Post's general funds account.

**Section 3:** Annual members who pay their dues between September 1 and August 31 may convert to Life membership and shall receive credit for their prepaid annual dues at any time during that period.

**Section 4:** All fundraising activities shall be approved in advance by the Post Executive Committee. An audit of expenses and revenues shall be submitted within thirty days of the

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fundraiser to the PEC for review. The Finance Officer shall make all payments. No payments shall be made to any member except by check from the Finance Officer. All funds received shall be turned into the Finance Officer for accountability and disbursement.

**Section 5:** An annual budget shall be prepared by the Finance Officer and submitted to the PEC for approval. Accurate books and records of account activities maintained by the Finance Officer shall be subject to inspection and regulation by the PEC at all reasonable times.

**Section 6:** All receipts and payments shall be reported using a voucher with a corresponding budget code for each receipt and payment. All expenses shall be reported using an expense report with a corresponding budget code for each expense.

**Section 7:** The Finance Officer shall render a report of receipts and disbursements to each meeting of this Post.

**Section 8:** If a Post club room is maintained and operated for the convenience and pleasure of the members of the Post in the name of AMVETS, or if AMVETS insignia is displayed or used, a Board of Trustees shall be elected from among the members of the Post to supervise its activities, operation and finances.

**Section 9:** Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding surety company, acceptable to the U. S. Treasury, as surety to cover the average amount of AMVET funds handled by said individual in a single year.

**Section 10:** An internal audit may be ordered at any time at the direction of the Post Executive Committee.

**Section 11:** The various accounts belonging to the Post shall require two signatures on checks to disburse such funds.

**Section 12:** Authorized Post signatories shall be the Commander, Finance Officer, First Vice Commander, Second Vice Commander, and Third Vice Commander.

**Section 13:** The current year's budget of revenue and expenses and the long-range goals of the Post are the foundations for preparing subsequent year's budget.

**Section 14:** There shall be a balanced budget prepared and presented to the Post for consideration each fiscal year.

**Section 15:** Reimbursable expenses for official Post travel shall be the cost of the lodging and mileage approved by the PEC.

(a) Mileage reimbursement will be based on round trip mileage between the member's permanent residence zip code and the zip code of the location where the function is being performed.

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(b) Lodging reimbursement will be actual room cost plus taxes.

(c) Meal and beverages while on official Post travel are not reimbursable unless recommended by the Finance Committee and approved by the membership.

**Section 16:** The Post Commander may authorize any Post Officer, any Committee Chair, any member of a Committee, or other authorized representative to receive reimbursement for authorized activity on behalf of the Post. The Finance Officer shall report all such disbursements since the last meeting of the PEC for its approval.

**Section 17:** A semi-annual audit shall be conducted at the conclusion of the second quarter (February) and at the conclusion of the fiscal year (August) by the Post Trustees.

(a) The Audit committee shall perform the audit.

(b) Minimal assessments to include, but not limited to:

(1) Confirm all bank balances.

(2) Review and confirm correctness of all expenses and revenues.

(c) A complete audit checklist is in Appendix A.

**Section 18:** Motions or recommendations for charitable donations, gifts or assistance involving the expenditure of funds or any financial commitment shall not be brought forth at a regular or special Post meeting. All such requests shall be referred to the PEC for review and recommendation before being presented to the membership for determination. In reviewing these, the PEC shall have three options: (1) recommend providing funding; (2) recommend deferring funding pending appropriate planning by the PEC as part of the next fiscal year; or (3) recommend denying funding based on current and projected funding levels.

**Section 19:** The Finance Officer is responsible for filing an IRS Form 990 with the District Director of the Internal Revenue Service. A statement as to whether a 990 has/has not been filled with the IRS must be given in writing to the Department and National Headquarters.

**Section 20:** The Finance Officer is responsible for filing the State Corporation Commission report on an annual basis.

**Section 21:** The finance Officer is responsible for ensuring the Surety Bond Requirements are maintained.

**Section 22:** The Finance Officer is responsible for ensuring the Post Liability Insurance Coverage requirements are maintained. The Post shall secure the minimum liability insurance coverage prescribed by the National Constitution and Bylaws which names the Department and National Headquarters as additional insureds and file a copy of the Certificate of Insurance with the Department and National office.

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**Section 23:** The Post fiscal year shall be September 1 through August 31.

## **ARTICLE IX. ELECTRONIC COMMUNICATIONS**

**Section 1:** The Post shall maintain an electronic mail account to transmit and receive official Post information.

- (a) The Post email account shall be accessible across operating system platforms and devices used for transmitting and receiving electronic mail.
- (b) Only members of the PEC shall have access to transmit and receive emails from the Post email account.
- (c) The password for the Post email account shall be changed at the beginning of the Post fiscal year; and when the PEC membership changes.
- (d) All official Post email transmissions shall be sent utilizing the Post email account.
- (e) Private email accounts shall not be used to transmit official Post information.
- (f) Any email that must originate from a personal email due to emergency situations must be courtesy copied to the PEC account.

**Section 2:** All email messaging and discussions shall be included as an addendum to the minutes of the most recent PEC meeting.

## **ARTICLE X. RESOLUTIONS**

**Section 1:** All resolutions adopted by this Post shall be forwarded to Department Headquarters.

**Section 2:** A simple majority vote of members present is required to pass any resolution other than amendments to the Constitution and Bylaws.

## **ARTICLE XI. RESTRICTED USE OF ORGANIZATION**

AMVETS, or any component part thereof, shall not be used to promote the interest of any individual who is a candidate for public office, or to otherwise promote any individual, organization, political party, faction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

## **ARTICLE XII. DISCIPLINE OF POST MEMBERS**

**Section 1:** Members of the post may be suspended or expelled for any one or more of the following reasons:

- (a) failure to comply with any obligation imposed on members under the Constitution and Bylaws;
- (b) Violation of law that reflects unfavorably on the name of AMVETS;

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- (c) Conduct unbecoming an AMVET;
- (d) Ineligibility for membership at time of acceptance into membership; or
- (e) Procurement of membership by fraud or deception.

**Section 2:** All correspondence between the Post and the accused shall be via the US Post Office as Certified Return Receipt Requested mail and First Class mail.

**Section 3:** Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser.

**Section 4:** All charges and specifications shall be filed with the Post Commander.

**Section 5:** On receipt of said charges and specifications, the Post Commander shall, within five calendar days, send a copy thereof by certified mail to the member complained about, together with a notice fixing a date, place and time of a hearing to be held not less than thirty calendar days after date of mailing.

**Section 6:** Said charges and specifications shall be heard by the PEC, with the following guidelines as set forth in Appendix B of these Bylaws.

### ARTICLE XIII. AMENDMENTS

**Section 1:** These Bylaws shall be amended by a majority vote at the Post annual meeting. Proposed amendments shall be submitted and sent to the membership at least ten days prior to the meeting.

**Section 2:** These Bylaws, however, shall be amended at the Post annual meeting without notice by a two-thirds vote of those members present.

**Section 3:** Amendments to These Bylaws shall take effect upon adoption unless otherwise specified by the resolution.

**Section 4:** No amendment may be adopted unless referred to the Constitution and Bylaws Committee, which will consider it and report on it at the Post annual meeting.

**Section 5:** Copies of all adopted amendments shall be forwarded to the Department for review by the Department Judge Advocate within thirty days after their adoption.

**Section 6:** The Department Judge Advocate will forward the approved copies to the National Headquarters for placement in the permanent Post file.

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## APPENDIX A: AUDIT CHECKLIST

- (1) When was the previous audit and review conducted of Post financial operations?
- (2) Were there any findings or recommendations?
- (3) Have they been addressed?
- (4) Did the Commander and Finance Officer review and concur with the Audit Committee Report.
- (5) Is a copy of the Post Revalidation Certificate current and on file?
- (6) Are there written guidance / policy / procedure for financial management?
- (7) Does the Post Finance Officer develop an annual operating budget which includes costs for programs, management and fundraising and all sources of funding?
- (8) Is this budget reviewed and approved by the Post Executive Committee?
- (9) Does the Post have a reserve of funds to cover at least three months of operating expenses?
- (10) Does the Post Finance Officer prepare timely financial statements - including the Balance Sheet and Statement of Financial activities which are clearly stated?
- (11) Does the Post Finance Officer reconcile the bank statements on a monthly basis?
- (12) Does the Post Finance Officer follow accounting practices which conform to accepted standards?
- (13) Does the Post have a written policy identifying the number of authorized check signers?
- (14) Were all bank balances (Checking / Savings / Investment) confirmed, and all expenses & revenues for the months indicated deemed to be correct.
- (15) Has the IRS Form 990, Return of Organization Exempt From Income Tax, been filed for the current year within prescribed time lines (S: 15 Jan)?
- (16) Does the Post have an IRS issued Employer Identification Number (EIN)?
- (17) Has the annual Virginia State Corporation Commission report for the current year been filed within the prescribed time line?
- (18) Does the Post have suitable insurance coverage with appropriate levels and types of coverages in place?

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(19) What is the amount of Liability Insurance?

(20) Is the Department of Virginia and AMVETS National Headquarters included as additional insurers?

(21) Has a copy of the Insurance policy been provided to both, AMVETS National Headquarters and the Department of Virginia?

(22) Does the Post have a Surety Bond and on file?

(23) When does the Surety Bond expire?

(24) What is the amount of the Surety Bond?



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## APPENDIX B: GRIEVANCE PROCEDURES

### **Grievance Hearing:**

- (a) The member complained about shall have the right to be represented by counsel and to cross-examine his accuser or accusers and witnesses presented against him.
- (b) No member against whom charges have been preferred, or who has preferred charges against another member, shall sit in judgment on any panel hearing or deciding the matter.
- (c) The Post Judge Advocate shall prosecute the charges
- (d) The attendance of a court reporter shall be permitted.
- (e) The presiding officer of PEC shall decide all questions as to the relevancy of evidence and the regularity of the proceedings.
- (f) The accused member may be represented by council, at no cost to the Post.
- (g) The accuser and accused may call witnesses and present evidence.
- (h) Evidence or documents shall be properly numbered and submitted to the presiding officer.
- (i) Notarized depositions may be submitted.
- (j) The presiding officer shall be notified in writing of the number of witnesses and their order o be called.
- (k) Witness statement shall not exceed ten minutes with ten minutes allowed for cross-examination.
- (l) On the conclusion of the hearing, a vote shall be taken first as to whether there is a basis for the charge or charges:
- (m) If by the vote, it is determined that there is none, the charges shall be dismissed.
- (n) If the charges are not dismissed, then a vote shall be taken on the guilt or innocence of each of the charges and each of the specifications.
- (o) A two-thirds vote of the members of the PEC hearing the charges and specifications shall be required to sustain any charge or specification.
- (p) Voting shall be secret or open as the PEC may determine by majority vote.
- (q) If any charge or specification is sustained the member shall be deemed to be guilty and the presiding officer at the hearing shall put the question of the degree of punishment as to:
  - (r) Whether there shall be a suspension from the benefits of membership and, if so, for how long;
  - (s) Whether there shall be an expulsion from membership.

### **Grievance Appeal:**

- (a) Any member whose membership is suspended or expelled may appeal to the DEC.
- (b) Notice of Appeal must be filed in writing with the Post Judge Advocate not later than fifteen calendar days after the imposition of the penalty.
- (c) An appeal not received in accordance within the established time will not be forwarded to the DEC.
- (d) The Post Judge Advocate will notify the DEC and PEC of the receipt of the appeal.
- (e) The procedure for the hearing of an appeal by the DEC shall be prescribed by the Department Judge Advocate.
- (f) The decision of the appellate body shall be binding and final.

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## CERTIFICATION

This document is a true copy which was adopted by the membership of Virginia Post 18 at the Post Annual Meeting held on May 18, 2016.

18 May 2016

\_\_\_\_\_  
Date

DAVID G. LOY Colonel, USA Retired

\_\_\_\_\_  
Signature of Post Judge Advocate

**Original Signed**

18 May 2016

\_\_\_\_\_  
Date

JAY L. MARTS Colonel, USA Retired

\_\_\_\_\_  
Signature of Post Adjutant

**Original Signed**