

DEPARTMENT OF ALABAMA AMVETS BYLAWS

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DEPARTMENT BYLAWS

ARTICLE I: DEPARTMENT EXECUTIVE COMMITTEE

Section 1 Each Post in the Department of Alabama shall elect or appoint a Department Executive Committeeman to represent the Post at all meetings of the Department Executive Committee. Each Post shall also elect or appoint an Alternate Department Executive Committeeman.

The administrative power between department conventions shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, Past Department Commanders, the Department First Vice Commander, the Department Second Vice Commander, and all other elected department officers and the Department Executive Committeeman from each organized post complying with all of the requirements of this constitution and bylaws.

Each of the above members are department officers and shall be entitled to one vote except the department commander, who shall vote only in case of a tie, and except that the past department commanders present and voting shall have but one vote divided equally among them and such fraction of one vote shall be cast on an individual basis by each past department commander at personal discretion.

Each post shall elect an alternate Department Executive Committeeman to serve in the absence of the Department Executive Committeeman from that post. In the event that the Department Executive Committeeman or the alternate is not present at the meeting of the Department Executive Committee, then a member of the post may be seated on written recommendation of the post commander.

- (a) The members of the Department Executive Committee shall submit written reports to the Department Adjutant for Department Conventions and SEC meetings. Said reports shall be submitted by US mail, by electronic facsimile (fax) or computer Email, 15 days prior to each said meeting as directed by the Department Headquarters. Failure to comply shall result in forfeiture of payment of expenses for that meeting.

Section 2

- (a) Department meetings of the Department Executive Committee shall be held as follows: in conjunction with the Department Convention and in the months of January or February and the months of September or October. On reasonable notice, special meetings may be held at the call of the Department Commander. The Department Commander shall call a meeting of the Department Executive

Committee on the written request of Department Executive Committeemen from at least 25 percent of the organized Posts. All Department Executive Committee meetings will be held within the Department of Alabama.

(b) Expenses for attending a meeting for the Department Executive Committee shall be based on the current Federal Mileage Reimbursement Rate between the committeeman's city of permanent residence and the city where the meeting is being held. Department Executive Committee members shall be reimbursed for their expenses as follows:

- 1) The Department Commander; Department Vice Commanders; Department Judge Advocate; Department Finance Officer; Department chaplain; Department Provost Marshal; Department Executive Committeemen; and Department Executive Director shall receive the current Federal Mileage Reimbursement Rate travel expenses to all meetings, plus actual expenses for hotel and meals. Meals not to exceed \$50.00 per day for each duly called meeting and expenses in conjunction with the Department Convention will include the aforementioned current Federal Mileage Reimbursement Rate travel plus actual expenses for hotel and meals. Meals not to exceed \$50.00 per event.
- 2) In the event of an additional duly called special meeting, expenses will be made as prescribed by action of the Department Executive Committee at the time the meeting is called but in no case shall the said expenses exceed the above prescribed formula.
- 3) The aforesaid allowances shall be paid only to the Department Officers aforementioned and the members of the Department Executive Committee, or the alternates seated in their stead, and only when each of the foregoing is present and answers the roll call conducted during the course of said meetings.

Section 3 Four (4) members shall constitute a quorum of the Department Executive Committee.

Section 4 The Department Finance Committee shall be charged with the preparation of the annual budget and the handling of funds, subject to the approval of the Department Executive Committee and the limitations set forth in the Constitution.

Section 5

(a) The Department Commander may preauthorize any Department Officer, Committee Chairman; member of a committee or other authorized representative to receive reimbursement for authorized activity on behalf of the organization. At each meeting of the Department Executive Committee, the Finance Officer shall

report all such disbursements since the last meeting of said committee for its approval.

- (b)** Those persons referred to above and those listed in 2(b)(1) must submit completed expense vouchers postmarked no later than 30 days after the end of the meeting. Vouchers received after 30 day limit will not be considered for payment.

Section 6 No member may hold more than one elected department office at one time. All questions affecting the eligibility for office and conduct of department officers shall be referred to and determined by the Department Executive Committee. All questions affecting the eligibility for office and conduct of Department Executive Committeemen, department officer or members of the Department Executive Committee shall be referred to and determined by the Department Executive Committee. Any Department Executive Committeeman elected to a department office by a Department Convention shall, if the individual accepts the department elective office, be deemed to have resigned the office as Department Executive Committeeman.

Section 7 From among the membership of the Department Executive Committee, the Department Commander shall appoint a Department Grievance Committee, consisting of three (3) members, to hear grievances and appeals as are provided for in this Constitution and Bylaws and to report its finding and recommendations to the proper authorities. The Department Commander shall designate the chairman. This committee shall function during the Department Convention and meetings of the Department Executive Committee. Such appointees shall serve at the pleasure of the Department Commander. The Department Commander and Department Judge Advocate shall serve as ex-officio members of this committee without vote.

ARTICLE II: COMMITTEES

Section 1: Department Committees The following committees are hereby identified as Department Committees. The Department Commander shall appoint (except where otherwise indicated) a Chairman, Vice Chairman and such members of AMVETS to each committee as are necessary to accomplish its objectives. The Department Commander shall prescribe the duties and responsibilities of said committees unless otherwise indicated. All committees will receive and develop and consider resolutions. Appointments are effective July 1 and are for a period of one year (except where

otherwise indicated). The member composition, duties and responsibilities of the Department Executive Committee, Department Finance Committee and Department Grievance Committee are described elsewhere in the Department Constitution and Bylaws.

Community Services and Activities Committee:

Constitution and Bylaws:

Credentials Committee: Responsibilities are to supervise the registration of delegates, alternates; members and guests at the Department Convention and to set forth the voting strength of the convention in accordance with the provisions of the AMVETS Department Constitution and Bylaws. The Department Commander shall appoint at least one member to the Credentials Committee as recommended by each candidate for the Department Commander.

Honors and Awards Committee:

Membership Committee: To consider all matters relating to the development of AMVETS through membership activities.

POW/MIA Committee:

Programs Committee:

Resolutions Committee:

VAVS Committee:

Women Veterans Committee:

Convention Rules committee:

- (a) To review annually the Rules of the Annual Convention, and present said rules, with any recommended changes, to the Spring Department Executive Committee meeting for approval by the Department Executive Committee.
- (b) Besides the members appointed to the committee by the Department Commander, the committee shall include the chairman of the Constitution and Bylaws Committee.

Section 2: Special Committees:

- (a) The Department Commander may appoint such special committees as deemed necessary to the proper conduct of organizational affairs, subject to the approval of the Department Executive Committee.

(b) Such appointees shall serve during the term of the administration appointing them and terminate on expiration of the term of the appointing administration.

Section 3: Each committee authorized by these Constitution and Bylaws must report its activities and recommendations at each Department Executive Committee meeting and at the annual Department Convention.\

ARTICLE III: DUTIES OF OFFICERS

Section 1: All elected and appointed officers shall be administered the Oath of Office at the end of the Department Convention and shall take office on July 1, serving until June 30 of the following year.

Section 2: Department Commander. The Department Commander shall be the executive head of the Department of Alabama AMVETS, with full power to enforce the provisions of the Department Constitution, the Department Bylaws and the will of the Department Convention and Department Executive Committee. The Department Commander shall perform such other duties as are usually incident to the office.

Section 3: Department Vice-Commanders. The Department Vice-Commanders shall act as representatives of the Department Commander in all matters referred to them by the Department Commander and, on the Department Commander's request, preside over sessions of the Department Convention and the Department Executive Committee.

(a) **Department First Vice Commander.** The Department First-Vice Commander shall be primarily responsible for the membership of the organization and shall coordinate with all Post Membership Directors or Vice-Commanders in charge of membership. The Department First Vice-Commander shall also-

- 1) Correlate and submit written report on the convention mandates on membership between the Department and Posts;
- 2) Review and re-evaluate current membership programs and report recommendations to the Department Commander, the Department Executive Committee and the Department Convention;
- 3) Endeavor to create and present new membership incentives to the Department Commander and the Department Executive Committee;
- 4) Be informed as to the membership strength of the Department and all Posts within the Department of Alabama. The Department First Vice-Commander shall be responsible for seeing that this information is circulated monthly to all Posts and to all Department Officers;

- 5) Perform such other duties in connection with membership as the Department Commander shall direct.

(b) Department Second Vice-Commander. The Department Second Vice-Commander shall be primarily responsible for the programs of the Department of Alabama and shall coordinate all Department Program Chairmen. The Department Second Vice-Commander shall also –

- 1) Review re-evaluate and submit written report on the existing programs and convey recommendations to the Department Commander, the Department Executive Committee and at the Department Convention;
- 2) Coordinate all programs between Department and Post levels;
- 3) Be responsible for studying and recommending new programs to the Department Commander and the Department Executive Committee for consideration;
- 4) Be indoctrinated on all programs instituted by the Department of Alabama, especially those involving contact with the general public;
- 5) Perform such other duties in connection with AMVETS programs as the Department Commander shall direct.

Section 4: Department Adjutant. The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee and the Department Commander. The Department Adjutant (Executive Director) shall issue such directives as may be necessary to Posts, stay in contact with the Department Commander during the Department Commander's absence from Department Headquarters and perform such other duties as are usually incident to the office. The Department Adjutant (Executive Director) shall receive department executive reports, organize and prepare meeting reports for each executive committee officer. The Department Adjutant (Executive Director) shall serve at the pleasure of the Department Commander and the Department Executive Committee.

Section 5: Department Finance Officer. The Department Finance Officer shall be custodian of the funds of the Department. All checks disbursing the funds of the Department organization shall be signed by two or more persons as designated by the Department Executive Committee, and the Department Finance Officer shall make reports and submit written reports on the condition of the Department Treasury when called for by the Department Commander or Department Executive Committee. The Department Finance Officer shall perform such other duties as are usually incident to the office.

Section 6: Department Judge Advocate. The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal

matters, including the construction and interpretation of the National and Department Constitution and Bylaws, and shall perform such other duties as are usually incident to the office. The Department Judge Advocate shall review all contracts prior to execution by the organization and serve as an ex-officio member without right to vote on all committees.

Section 7: Department Chaplain. The Department chaplain shall perform such religious and non-sectarian services as may be necessary, adhering to the appropriate ceremonial rituals, and discharge of other duties incident to the office.

Section 8: Department Provost Marshal. The Department Provost Marshal shall maintain order at the Department Convention, Department Executive Committee meetings and such other ceremonies/functions as directed by the Department Commander.

Section 9: Department Inspector General. The Department Inspector General shall be the investigating officer of the Department. By direction of the Department Commander or the Department Executive Committee, the Department Inspector General shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud or dishonesty within the Department and charges of conduct unbecoming an AMVET, and shall be empowered to have access to all records, financial and otherwise, of all Posts, Post officers or members when necessary for the discharge of the Department Inspector General duties. In making such investigations, the Department Inspector General shall report to the Department Commander who shall, in turn, review the findings with the Department Judge Advocate and, if warranted, report to the Department Executive Committee. The Department Inspector General shall serve at the pleasure of the Department Commander and the Department Executive Committee.

Section 10: Department Executive Committeeman. The Department Executive Committeeman shall act as representatives of their Post Commander In all matters referred to them by the Post Commander and, participate in sessions of the Department Convention and the Department Executive Committee. Department Executive Committeeman shall submit written reports on (1) Post Membership, (2) Programs, (3) Services, (4) Upcoming events and (5) Notable Information, Depart Executive Committeeman shall be knowledgeable of National and Department CBL's. Department Executive Committeeman shall submit reports to their Post on Department Executive Committee Convention and meetings at the next schedule Post meeting.

ARTICLE IV: CHARTERS

Section 1:

- (a) The Department Executive Committee may suspend, cancel or revoke a Post Charter in accordance with the UNIFORM CODE OF PROCEDURE FOR THE REVOCATION, CANCELLATION OR SUSPENSION OF POST CHARTERS (NATIONAL BYLAWS, APPENDIX A).
- (b) A Post charter that has been thus suspended may be reinstated by action of the Department Executive Committee if that Post purged itself of the offense within 60 days of its suspension. If the delinquency is not cleared to the satisfaction of the Department Executive Committee with 60 days, appropriate action shall be taken by the committee to affect revocation or cancellation of the charter.

Section 2: Any Post failing to meet the obligations imposed on it by the Constitution and Bylaws, or ceasing to function for six months as a Post of AMVETS or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to failing to pay the Department and national per capita dues within 60 days after collection by the Posts, shall, on order of the Department Executive Committee, surrender its Charter.

Section 3:

- (a) On revocation or cancellation [or suspension] of the charter of a Post, said Post shall immediately cease operation and, on revocation or cancellation, turn over its Charter and assets to the Department Commander or Department Executive Committee. The Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said Post. So much of the said assets as are required for the purpose shall be applied to any indebtedness of said Post, provided, however, that nothing contained herein shall be construed as requiring the Department of Alabama to take over or to assume any financial responsibility of such Post. Assets are to be held in trust for a period of 12 months and in the event the Post Charter is not reissued within the 12-month period, said property, money and effects shall become the absolute property of the Department of Alabama.
- (b) When the Charter of a Post is canceled or revoked for any reason, said Charter shall be returned to the Department of Alabama within 30 days.

Section 4: On appeal of disciplinary actions, all pertinent documents, including transcripts and other supporting documentation of said hearings, shall be directed to National Headquarters for review by the National Judge Advocate.

Section 5: The AMVETS Department of Alabama will approve as a separate arm of its organization a Alabama AMVETS Service Foundation and further instruct the Department Executive Committee to apply for the proper Department Incorporation Certificate as a not for profit corporation and Federal IRS designation as a or 501(c) 3 corporation.

ARTICLE V: DISCIPLINE OF POST AND POST MEMBERS

Section 1: Each Post of AMVETS shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the National and Department organizations.

When the conduct of any member of AMVETS is such that it in any way will reflect discredit on, or invite criticism of, the organization, or [any member] who belongs to or joins any group, organization or party that is not compatible with the aims and principles of AMVETS, the Department Commander shall immediately bring the matter to the attention of the Post of which the individual is a member. If the Post fails to act and protect the name AMVETS, the Department Executive Committee may suspend the charter of the Post involved, pending a hearing and final action by the Department Executive Committee.

Section 2:

- (a)** Members may be suspended or expelled by a Post or the Department Executive Committee on a proper showing of cause. Written charges, which shall be furnished the member involved at least 30 days prior to the date set for the hearing, shall be based on disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of AMVETS.
- (b)** The Department Executive Committee or Post shall follow the UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER (NATIONAL BYLAWS, *APPENDIX B*). The provisions for appeal of suspension or expulsion within that procedure (NATIONAL BYLAWS, *APPENDIX A*) shall also be followed in case of appeal of Post or Department action.

Section 3: Any member who has been suspended or expelled in accordance with Section 2 hereof has the right of appeal. In the event the suspension or expulsion is

imposed by the Post, the appeal shall be to the Department Executive Committee. In the event the suspension or expulsion is by the Department Executive Committee, the appeal shall be to the National Executive Committee, the appeal shall be to the National Convention. The decision of the appellate body shall be final.

ARTICLE VI: MEMBERSHIP

Membership in AMVETS constitutes membership in the Department of Alabama AMVETS through Post affiliation or membership-at-large. All AMVETS shall, prior to their acceptance as members, pledge allegiance to the United States of America and its Constitution and certify that they have read, or have had read to them, The Principles of AMVETS, and that they accept and subscribe to same, and that they shall not advocate or belong to any group or organization advocating the overthrow of the United States government by force.

ARTICLE VII: MONIES AND COLLECTIONS

Section 1: All Department and Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding and surety company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVETS funds handled by such individual in a single year.

Section 2:

- (a) No contracts involving expenditures in excess of \$2,000 of Department of Alabama funds shall be negotiated without inviting a reasonable number of competitive written bids and where the required products are of equal quality, the contact shall be awarded to the lowest bidder.
- (b) All contracts to be executed by the Department of Alabama AMVETS shall be approved by the Department Executive Committee and signed by the Department Commander and attested to by The Department Adjutant (Executive Director) after said contract has been reviewed by the Department Judge Advocate.
- (c) Grants Post may apply for gifted grants for up to 10,000 dollars at a time for post improvement or emergency expenditures. Post must provide validation for approval. Post shall be a validated post for a minimum of 24 months prior to approval. Post must be current with Department and National.
- (d) All grants must be approved by the Department Executive Committee.

Section 3:

- (a)** No public fund-raising project or program of any kind or character shall be undertaken by or on behalf of any Post or combination of Posts or subordinate thereof unless the contract, agreement or other arrangement under which such a project or program to operate has first been submitted for the prior approval of the Department Judge Advocate and then to a standing committee of the national organization composed of the President of the National Service foundation, the National Judge Advocate and the National Commander. A public fund-raising project is defined as any project or program involving a solicitation or request to nonmembers of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, or advertising matter of any kind or character. In the event of an adverse decision by the Department Judge Advocate, an appeal may be made at the next Department Executive Committee meeting. Its action shall be final. Any fund-raising project or program conducted by a Post or any combination of Posts or subordinates thereof in which there is no other person, firm or corporation involved, and in which such fund-raising project or program is conducted solely by the Post, shall not be deemed to be within the purview of this section, provided that the anticipated gross receipts from such fund-raising project or program do not exceed the sum of \$10,000; in the event it is anticipated that the gross receipts will exceed \$10,000 in any fiscal year, then said project or program shall be submitted as described above. Failure of a Post or combination of Posts or subordinates thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.
- (b)** Whenever a Post clubroom is maintained and operated for the convenience and pleasure of its members and the name of AMVETS or its insignia is displayed or used, a Board of Trustees shall be elected by and from among the members of the Post to supervise its activities, operation and finances.
- (c)** Any Post operating a clubroom as mentioned in Section 3(b) hereof shall be required to carry workers' compensation insurance (in accordance with the laws of the State of Alabama and public liability insurance, including product liability and personal injury coverage, with a minimum single limit of \$500,000. Posts that maintain a building primarily for meeting purposes shall be required to carry public liability insurance, including product liability and personal injury coverage with a minimum single limit coverage of \$300,000 or the minimum local amount prescribed by State law. The Department of Alabama AMVETS and the National Headquarters shall be included as additional insured in all policies and a certificate of said insurance shall be furnished to the Department and to the National Headquarters/
- (d)** Upon renewal of insurance policies which either incorporate liquor liability coverage within general liability coverage or have stand alone liquor liability

coverage, a copy of the new policy will be forwarded to Department of Alabama AMVETS within 30 days of the renewal date. If a renewal confirmation is not received within 45 days of the renewal date, the Post becomes suspended until such time as the confirmation is received.

- (e)** Any Post operating a clubroom as stated in Section 3(b) hereof shall be mandated to incorporate under a business not-for-profit corporation law, in accordance with existing Alabama State Statutes. All Post clubrooms desiring to be included in the AMVETS group tax-exempt status under Internal Revenue Service Code as a 501(c)(19) organization shall provide, on incorporation, a point of contact, employer identification number, mailing address and letter of authorization to the Department of Alabama AMVETS and AMVETS National Headquarters.
- (f)** Any Post failing to comply with these provisions shall be deemed to have violated the Department of Alabama AMVETS Bylaws and the charter of said Post shall, in accordance with adopted procedure, be subjected to suspension or revocation.

Section 4: All Post and Department accounts shall be kept in accordance with generally accepted accounting procedures.

Section 5: The minimum annual membership dues shall be \$35.00 payable to the Post, of which the sum of \$15.00 shall be forwarded to National Headquarters and \$5.00 to the Department of Alabama. Dues above the minimum set forth herein shall be fixed by the Post. Members-at-Large will remit the minimum dues to Department of Alabama, from which the National Headquarters will be paid the minimum national dues.

Section 6: Life membership dues shall be not less than \$250.00, nonrefundable and payable to the Post, of which 50 percent shall be forwarded to National Headquarters and 25 percent to the Department of Alabama. Dues above the minimum set forth herein shall be fixed by the Post.

Section 7: Annual members who paid their annual dues between September 1 and August 31 may convert to life membership and receive credit for their prepaid annual dues at any time during that period.

Section 8: The Department of Alabama will fine any Post failing to send at least one delegate to the Department meetings \$100.00 per missed meeting and, that such fines received will be designated to enhance the hospitality at such meeting.

ARTICLE VIII: RESTRICTED USE OF ORGANIZATION

The Department of Alabama 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 promote otherwise any individual, political party, or faction. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member, or Post.

ARTICLE IX: MEETINGS

Section 1: All meetings; all matters and proceedings not otherwise provided for herein shall be conducted pursuant to ROBERT'S RULES OF ORDER.

Section 2: The Posts in the Department of Alabama will send a copy of all monthly meeting minutes with the number of persons present and the roll call of officers present to the Department Adjutant.

ARTICLE X: ACCOUNTING FOR MONIES

All monies received by this department shall be strictly and accurately accounted for and a report shall be made available to all members, at each meeting of the Department Executive Committee, showing the sources of all such income and expenditures thereof.

ARTICLE XI: AMENDMENTS

Section 1: These bylaws may be amended by a majority vote of the delegates present at any Department of Alabama Convention. Proposed amendments for action of the Department Convention must be submitted by a Post, the Department Executive Committee or A Standing Department Committee to the Department Adjutant (Executive Director), by mail, Postmarked at least 15 days prior to the opening date of the Department Convention.

Section 2: These Bylaws, however, may be amended at any Department Convention without notice, by a two-thirds vote.

Section 3: No amendment, however, may be adopted unless the same is referred to the Constitution and Bylaws Committee, considered and reported on at the Department Convention.

Section 4: Amendments to these Bylaws shall take effect immediately upon adoption, unless otherwise specified by the adopted resolution.