

David Johnston
Memorial Post #283



Constitution
And
By-Laws

DAVID JOHNSTON MEMORIAL

AMERICAN LEGION

POST 283

7725 REFUGEE ROAD

PICKERINGTON, OHIO 43147

PREAMBLE TO THE CONSTITUTION OF THE AMERICAN LEGION

FOR GOD AND COUNTRY WE ASSOCIATE OURSELVES TOGETHER

FOR THE FOLLOWING PURPOSES

To uphold and defend the constitution of the United States of America; To maintain law and order; To foster and perpetuate a one-hundred percent Americanism; To preserve the memories and incidents of our associations in the great wars; To inculcate a sense of individual obligation to the community, state and nation; To combat the autocracy of both the classes and the masses; To make right the master of might; To promote peace and good-will on earth; To safeguard and transmit to posterity the principles of justice, freedom and democracy; To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

APPROVED BY THE MEMBERSHIP AT THE _____ GENERAL MEETING

CERTIFIED _____

Commander

Adjutant

CONSTITUTION

ARTICLE I – NAME

Section 1. The name of this organization shall be “**DAVID JOHNSTON MEMORIAL AMERICAN LEGION POST 283**”.

ARTICLE II – PURPOSE

Section 1. The purpose of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble and the National Department of Ohio and Eighth District Constitutions of the American Legion.

ARTICLE III – NATURE

Section 1. This Post is a civilian organization and membership herein does not affect or increase liability for military or police services. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in a meeting of the Post.

Section 2. The Post shall require every member of the organization to perform his full duty as a citizen according to his own conscience and understanding. This organization shall be absolutely non-political and non-sectarian and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office of preferment.

ARTICLE IV – MEMBERSHIP

Section 1. Eligibility to membership in the Post shall be as prescribed by the National Constitution of The American Legion.

Section 2. There shall be no form or class of membership except an active membership. Dues shall be paid annually or for life.

Section 3. No person shall be a member of this Post and at the same time be a member of other American Legion Posts.

Section 4. No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied, he then may appeal to the Department Executive Board. He shall be ineligible for membership in this Post until such permission is granted.

Section 5. Application for membership shall be made in writing under such regulation as may, from time to time, be prescribed by the Post Executive Board. All applications for membership shall be acted upon at the next regular Post meeting following the making of such application, and shall at such meeting, be accepted/rejected, or held for further investigation and consideration. If a majority of members, present and voting, cast their vote against acceptance of said application, the application shall be recorded as rejected.

Section 6. Any member of this Post may be expelled for cause after written charges are preferred and a fair trial or hearing held upon same, in the manner provided in **ARTICLE VII – DISCIPLINE OF POST MEMBERS**, of the **BY-LAWS**.

Section 7. A member, who has been expelled from this Post for cause, may be reinstated to active membership, in good standing, by a two-thirds vote of the membership, present at a regular meeting for which a notice has been sent to the entire membership. An approved reinstatement is contingent upon payment of the current years dues if not already paid.

ARTICLE V – OFFICERS AND TRUSTEES

Section 1. The overall supervision of the Post shall be entrusted to three (3) Trustees. One trustee will be elected or reelected each year to a three (3) year term. This election will be held at the regular June meeting. Trustee nominations are to be made from the floor at the May regular membership meeting. The Trustees will meet as needed but at least once annually.

Section 2. The day-to-day management of the Post shall be entrusted to an Executive Board, which will be comprised of all elected officers (as shown in Article V, Section 3 below).

Section 3. The officers of this Post shall be: Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Judge Advocate, and Sergeant-of-Arms.

Section 4. All Officers shall be elected annually. They shall hold office until their successors are duly installed. Within one week after election, the Post Adjutant shall notify Department Headquarters of the names and addresses of all newly elected officers.

Section 5. All elected officers of this Post shall be installed in the month of July.

Section 6. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 7. The Trustees and Officers of the Executive Board shall be charged with dispensing their duties as described in the **BY-LAWS**.

ARTICLE VI – FINANCE

Section 1. The revenue of this Post shall be derived from membership dues or initiation fees, and from such other sources as may be approved by the Executive Board.

Section 2. The amount of such membership dues or initiation fees and the amount of such annual Post dues shall be fixed and determined by the Post at the regular March general meeting for the next calendar/membership year. Dues shall be payable on or after July first for the succeeding calendar year.

Section 3. The Post shall pay to Department Headquarters, the National and Department annual membership dues for each member of the Post. Furthermore, the Post shall pay district annual membership dues for each member of the Post to the District Finance Officer.

Section 4. A family member including sibling, parent, child, stepchild, spouse, former spouse of a Post Officer or a person cohabitating with a Post Officer may not be an employee of the Post or appointed to a Post Executive Office position, or be placed in any position which would have a fiduciary responsibility.

ARTICLE VII – CHARTER MEMBERS

Section 1. Members, who joined this Post prior to the issuance of the original Post Charter, shall be known as Charter Members.

ARTICLE VIII – AMENDMENTS

Section 1. This constitution is adopted subject to the provisions of the National Constitution of The American Legion, and of the Constitution of the Department of Ohio, The American Legion. Any amendment to said National Constitution or Department Constitution, which may conflict with any provision herein contained, should be deemed as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution and BY-LAWS may be amended at the regular Post meeting by a two-thirds vote of the members in attendance at such regular meeting. The proposed amendment or amendments must be submitted in writing and read at one previous regular meeting before being voted upon. Notice of the date of the vote is to be made, must be given all members through the Post newsletter in the month prior to the date such amendments are to be voted upon. Discussion of proposed amendments is to take place at the regular meeting where first submitted. The second meeting is for voting only.

BY-LAWS

ARTICLE I – NAME

Section 1. The Post existing under the BY-LAWS shall be known as “DAVID JOHNSTON MEMORIAL AMERICAN LEGION POST 283”.

ARTICLE II – MANAGEMENT

Section 1. The Post officers shall consist of the Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Chaplain, Service Officer, Historian, Judge Advocate, and Sergeant-At-Arms.

Section 2. The government and management of this Post shall be entrusted to a subcommittee know as the “EXECUTIVE BOARD” which shall consist of officers, either elected or appointed by the Commander, per Section 4, below, to a vacated position.

Section 3. A nominating committee, also serving as an election committee, shall consist of three (3) members being duly appointed by the Commander at the April general meeting. This committee will present at the May general meeting a slate of candidates for each office. This committee shall accept additional nominations from the floor at the May general meeting. The nominating and election committee shall be responsible to ensure that all candidates to an elected office are current members in good standing with Post 283. Due consideration should be given to matching the position nominee’s qualifications for that position.

Section 3.1. A written ballot of candidates running for office will be made available for all eligible members to vote at the June election. Space for write-in candidates shall be made available on the official printed ballot. Ballots shall be counted following the voting and the outcome announced to the membership present before the closing of the June meeting.

Section 3.2. The polls shall be open from 2:00 P.M. to 7:00 P.M. on the day of the June general meeting.

Section 3.3. The election committee will utilize a dues check-off system to verify current membership status for each voting member. Each voting member will present appropriate identification and will sign a roster of current membership prior to receiving a ballot. Members currently under suspension are ineligible to vote at any election while under suspension.

Section 3.4. Notification of candidates running for office shall be made available by the Post newsletter or a letter sent to all members by the election committee after the close of nominations at the May general meeting.

Section 3.5. The Adjutant will retain all ballots and documents related to the election for a period of ninety (90) days and these then shall be destroyed. Election results are to be posted immediately after the June Post election.

Section 3.6. The installation of newly elected officers shall be held at the July Post meeting.

Section 4. All vacancies in any office of the Post, from any cause other than expiration of term of office shall be filled by a majority vote of the remaining members of the Executive Board after recommendation from the Commander. This office shall be filled within thirty (30) days from the date of such office becoming vacant. However, if a vacancy exists in the Commander’s position, the First Vice Commander

shall assume the duties, likewise for First Vice Commander's position when the Second Vice Commander shall assume those duties. A person so elected shall hold office for the remainder of the unexpired term. Any such action(s) must be followed up with approval/rejection by majority vote at the next general meeting. Appointees shall not be a family member including sibling, parent, child, stepchild, spouse, former spouse or a person cohabitating with a member of the Executive Board.

Section 5. The resignation of an Executive Board member shall happen in one of three ways: 1) written notice presented to the Commander or 2) verbal resignation to the members in a regular meeting or 3) the absence for three consecutive meetings without prior notification and approval by the Executive Board.

ARTICLE III – POST EXECUTIVE BOARD

Section 1. The Post Executive Board shall meet monthly for the transaction of such business that may come before it. Thereafter, the Executive Board shall meet as may be deemed necessary by the Commander or Executive Board.

Section 2. Five members of the Executive Board must be present to constitute a quorum.

ARTICLE IV – DUTIES OF POST OFFICERS/TRUSTEES

Section 1. Duties of Post Commander. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and other affairs of the Post. He shall be the chief executive officer of the Post and have full authority to see that harmony is preserved and the laws of the Post enforced. He shall make an annual report covering the business for the year of his office and shall make recommendations for the coming year. This should be done at the July Post meeting prior to the installation of the new officers. The Post Commander shall perform such other duties as may be directed by the Post.

Section 2. Duties of the First Vice Commander. The First Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of, or when called upon by, the Post Commander. He shall preside in the absence of the presiding officer. He is responsible for the membership drive at the beginning of the New Year and throughout his term of office. He is also responsible for getting dues money in on time, for maintaining past members and signing up new members during his term.

Section 3. Duties of Second Vice Commander. The Second Vice Commander shall be responsible for Americanism, Boys State, Post Publicity and promotion of all activities of a social nature. He may solicit as much help from the members as necessary to carry out these activities. He may, with the approval of the Commander, appoint temporary committees to help discharge his duties but will remain as the responsible officer of those duties. Any temporary appointed committee would be disbanded at the end of the current term of office.

Section 4. Duties of the Post Adjutant. The Post Adjutant shall have charge of and keep full and accurate records of all Post and Executive Board meetings. He shall read the minutes of the previous Post meeting and the previous Executive Board meeting at all Post meetings. He shall keep such records as the Department and National organizations may require, shall render reports of membership annually or when called upon at a meeting. He is responsible for all membership cards and records, to include updating all membership listings. He shall assist other officers and committees, publish official orders, announcements and instructions as deemed necessary by the Post. Under the direction of the Post Commander, he handles all correspondence for the Post. He will be responsible for maintaining a file of all members DD214s.

Section 5. Duties of Finance Officer. The Finance Officer shall be responsible for the protection of financial assets and for all money taken in from all Post functions and sources. He shall give an accurate and detailed financial report of receipts and expenditures at each regular Post meeting and at each Executive Board meeting. He shall pay from only detailed, itemized, and properly submitted invoices and receipts. All deposits are to be made in a timely manner, and prior to each monthly financial report. He shall be a member of each committee appointed by the Post commander to promote any activity for financial gain. His duties on these committees are to ensure that all funds are properly handled and accounted for. He shall make recommendations to the Executive Board and to the Post regarding any investments for the Post money. The Post Financial Officer and all officers, committee persons and employees who handle money, shall be surety bonded for double the funds handled by each person in a one-year period or as prescribed by the Department of Ohio. With the exception of normal daily operations of the Post, all checks must be signed by the Finance Officer and Post Commander or his designee. For normal daily operations of the Post, the Finance Officer may sign checks. The books shall be audited at least annually at the beginning of the new membership year. The Finance Officer shall be responsible for the proper filing of all Federal, State and Local reports including the Federal and State Income Tax. An outside CPA or Accounting Firm may be used if needed.

Section 6. Duties of Historian. The Historian shall be responsible for keeping individual historical records and incidents of the Post and its members. This will include keeping a copy of all newspaper articles, newsletter, magazine articles, pictures and any other information that will be a vital part of the history of the Post. He is also responsible for records of veterans buried in local cemeteries, installation of veterans' markers, and the placing of flags on veterans' graves for Memorial Day. He shall send photographs and articles of Post activity to the Department of Ohio for the quarterly publication's District 8 information. He shall perform such other archival duties as may pertain to his office as determined by the Post.

Section 7. Duties of Chaplain. The Chaplain shall be charged with the spiritual welfare of the Post comrades. He shall offer divine, but non-sectarian service in the event of dedications, funerals, public functions, etc., adhering to such ceremonial rituals as are recommended by the National or Department Headquarters. He should help keep the membership informed of any illness or deaths of any of the Post members and of the immediate families. He shall be responsible for sending all appropriate cards of communication to members who are ill or hospitalized.

Section 8. Duties of Service Officer. In case of death of a member, the Service Officer shall notify members so that they may call at the funeral home for condolence to the family. He should determine if the family desires the services of the Honor Guard unit at burial time and should coordinate all of the necessary arrangements. He is also responsible for informing the members of legislation and/or any issues that would affect them. This is to include both present laws in effect and any prospective legislation affecting the members.

Section 9. Duties of Sergeant-At-Arms. The Sergeant-At-Arms shall preserve order at all meetings and shall perform other duties as may be assigned by the Post. He shall be responsible for preparing the hall for each Post event or meeting. He shall ensure that all flags are properly posted in their proper places at all time inside and outside the Post. He shall be responsible for replacing non-serviceable flags.

Section 10. Duties of Trustees. It shall be the duty of the Trustees to provide oversight for the purpose of ensuring that the business of the Post is carried out in a manner appropriate to the good of the Post. The Trustees shall have a position on the Post Executive Board, but as advisors only, and shall not have a vote

on executive board decisions. The Trustees shall be permanent members of the House/Long-Range Committee.

Section 11. Duties of Judge Advocate. It shall be the duty of the Judge Advocate to insure that all Post business performed by the Executive Board and general membership is in compliance with the Post Constitution and By-Laws. The Judge Advocate shall advise or procure proper counsel to advise the Executive Board on all legal matters of the Post, including interpretation of and/or compliance with the Constitution and By-Laws of the Post, Department, and National organization. He shall also perform such other compliance duties as may be required of him by the Post Commander or Executive Board.

ARTICLE V- DELEGATES

Section 1. Delegates and alternates to the District Convention shall be elected by the members of the Post at the May Post meeting prior to the date of the 8th District Convention.

Section 2. Delegates and alternates to the District Convention shall automatically serve as delegates and alternates to the Department Convention.

Section 3. A delegate or alternate should have attended the District Convention to be eligible to attend the Department Convention unless he has a valid reason. A delegate or alternate must be present to answer the roll call and should march in the parade, if physically able. Expense money for delegates to the Department Convention shall be approved, at the May Post meeting, and paid in advance of such Convention. All delegates and alternates will submit to the Finance Officer a copy of all expenses upon return from the Convention.

ARTICLE VI – COMMITTEE APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint “Standing Committees” as necessary.

Section 2. Membership Committee. The First Vice Commander is the chairman of this committee and shall select members as necessary to perform the committee duties.

Section 3. House committee. Shall be responsible for all Post land, buildings, equipment and furnishing and be responsible for the repair and maintenance thereof.

Section 4. Publicity Committee. The Second Vice Commander is the chairman of this committee. This committee is charged with promotion and publicity of Post activities in the local media and publishing of a monthly Post newsletter. The Publicity Committee shall provide news and photos of Post activities and events to the Post Historian for official Post history, and possible forwarding to District 8 and Department of Ohio publications. A member of this committee shall be appointed as “Official Post Photographer” by the chairman.

Section 5. Baseball Committee. This committee is charged with the responsibility of the Post American Legion Baseball Program. The Chairman is to be designated by the Executive Board.

Section 6. Long Range Planning Committee. This committee shall develop and maintain a long-range plan for the Post, which shall include all major alterations and any additions to the Post property. Members shall include the three Trustees, members to represent all standing committees and one member from the Ladies Auxiliary and the Sons of the American Legion. The long-range plan is to be reviewed each year and reported to the Executive Board. The Chairman is to be designated by the Executive Board.

Section 7. Nomination/Election Committee. This committee shall function as per the duties established under Article II, Section 3 of the Post By-Laws. The Chairman is to be designated by the Executive Board.

Section 8. Finance Committee. This committee, chaired by the Finance Officer, shall fix and budget all expenditures and disbursements of the Post for the purpose of preparing and developing the Post annual budget for the New Year. This committee shall be comprised of five (5) members, appointed by the Commander, and approved by the Executive Board and the General Membership. This committee shall convene within two weeks after the installation of the new Executive Board to select a chairman and to prepare for the New Year a budget for the operation of the Post during the current year. The committee shall present an annual budget to the Executive Board for approval/rejection within 30 days after the convening date of the committee. The annual budget shall be presented at the September general meeting for final approval. This committee is authorized and directed to meet at such times during the year as the chairman of the committee deems essential or desirable and is empowered to modify or change the budget to meet such conditions as may develop. However, no expenditures will be made unless they have been budgeted and approved by the Finance Committee, approved by the Executive Board and the majority vote of the General Membership unless the expenditure is of an emergency nature requested by the Post Commander and approved by the Finance Officer and a Post Trustee or requested at a Post meeting and approved by a majority of members present at such meeting. See Article IX Section 1.

Section 9. Audit committee. The Audit Committee shall be appointed by the Post Commander when needed from the general membership in good standing who has no conflict of interest with Post finances, and may not include the Post First Officer. It is recommended that the Audit Committee also include a professional Certified Public Accountant who has no conflict of interest with Post finances. The Audit Committee is responsible for any and all auditing requirements of the Post. This would include financial and inventory audits as required.

ARTICLE VII – DISCIPLINE OF POST MEMBERS

Section 1. Members may be reprimanded, suspended, or expelled from The American Legion and officers may be reprimanded, removed from office, suspended or expelled from membership only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, malfeasance, nonfeasance or conduct unbecoming of a member or officer of The American Legion. All charges must be made under oath in writing by an accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any officer be reprimanded or removed from office, suspended or expelled, until given a fair trial as herein provided. See Article IV Section 2 of the Department By-Laws.

PROCEDURE: When charges are preferred against a member of the Post or an officer of the Post, the Executive Board shall appoint a trial board within five (5) days from and after the filing of written charges. This trial board shall consist of not less than five (5) and not more than seven (7) American Legion members in good standing and be chaired by the Post Judge Advocate. The trial board shall commence the taking of testimony of charges within ten (10) days after the board's appointment. The decision of the trial board shall be reported to the Post, and acted upon, at the next General Meeting. The decision of the board shall be acquittal, reprimand, removal from office, suspension, or expulsion. The members at the General Meeting, excepting in the case of an acquittal, may affirm, modify or reverse the findings and sentence of the trial board. If the Post suspends or expels the accused, or removes him from office, if he is an officer, he may appeal the decision to the Department Executive Board. The Department Executive Board shall conduct the hearing using the transcribed testimony heard by the trial board. The

decision of the trial board shall be final. The Post Executive Board shall appoint a member or members of the Post to prosecute the charges. In addition, the accused shall have the right to appear and defend himself in person or use counsel of his choosing.

Section 1.1. A Post officer who has become physically or mentally unable to fulfill his duties, or is incompetent or is not fulfilling his duties may be removed by a majority vote to remove by the Executive Board.

Section 2. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If his dues are paid on or before February 1st, he shall be automatically reinstated. If he is still delinquent after February 1st, he shall be suspended and all Post privileges suspended. If he is still under suspension on June 30th of that year, his membership in the American Legion shall be forfeited. A member so suspended or whose membership has been forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. However, the Post and Department may waive the provisions hereof, upon payment of dues for this year in which the reinstatement occurs. Members who have been prevented from payment of dues by reasons of active duty military service shall not be deemed delinquent for the period of active duty.

ARTICLE VIII – FINANCE BOOK, PROPERTY AND AWARDS

Section 1. The Post records (financial, minutes, historical, etc.) shall be audited each year prior to the new Executive Board taking office in July. The audit shall cover the current year's records. This audit will be conducted to insure the incoming Executive Board has a clean set of books to start a new year. The Audit Committee shall be appointed by the Commander and shall conduct this audit. The Audit committee may also be requested to audit, inventory or account for Post property, books and Post awards. A report shall be made at the Post meeting immediately following the completion of the audit. See Article VI Section 9.

ARTICLE IX – MONEYS

Section 1. Non-routine expenditures of Post funds shall be voted upon first by the Executive Board and referred to the body at the next general meeting as a recommendation for final approval or rejection by the membership. However, an expenditure of money can be made by a majority of the Post members at a Post meeting without first being approved by the Executive Board. In case of emergency expenditures up to \$3,000, the Post Commander shall get the approval from the Post Finance Officer and a Post Trustee for said emergency expenditures. However, these emergency expenditures shall be reported at the next Executive Board meeting and at the next General meeting. All Post officers who will be handling money shall be bonded in an amount greater than the amount handled in a single year. The Post shall pay for the bonding of Post employees. Expenditures for Post events must have prior approval, from the Executive Board, for all expenditures for that event. All standing committees and operating entities of the Post shall present a budget to the Finance Committee at the beginning of each year/term. See Article VI Section 8.

Section 2. Any contract over five thousand dollars (\$5000.00) must be accompanied by a written contract that must be approved by the Executive Board and reviewed by an attorney representing the Post.

ARTICLE X – RESOLUTIONS

Section 1. All resolutions of Department or National scope, presented to the Post by a member, or reported to the Post by a committee, shall embody the opinion of the Post. A copy of the resolutions shall be forwarded to Department Headquarters for its approval before any publicity is given, or action, other than passage at this Post is taken.

ARTICLE XI – POST MEETINGS

Section 1. The regular (a.k.a. General or Post) meetings of this Post shall be held on the first Thursday of each month at 7:30 p.m. transacting such business as may properly be brought up for action. Regular meetings may be advanced or set back by the Executive Board when there is a conflict with other activities that would be detrimental to the meeting. When such changes are made, members will be notified of such change by the Post newsletter.

Section 2. The Post Commander or a majority of the Executive Board shall have power to call a special meeting of the Post when deemed necessary for the good of the Post. When such meeting is deemed necessary, a twenty-four (24) hour notice will be given to the membership prior to such meeting. A notice can be communicated both orally or in writing to the Executive Board by the Post Commander or designated officer of the majority calling for the special meeting. The rules of Section 2 shall also apply for the calling of a special Executive Board meeting. Any special Executive Board meeting must be conducted with a quorum present and in physical attendance before any business can be legally transacted.

Section 3. Twenty (20) members present shall constitute a quorum for the Post meeting and five Executive Board members for the Executive Board meeting. This number must be present before any business can be legally transacted.

ARTICLE XII – RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under in accordance with ROBERT’S RULES OF ORDER, Newly Revised (RONR), except as herein otherwise provided.

ARTICLE XIII – AMENDMENTS

Section 1. The BY-LAWS may be amended in the manner provided for and contained in ARTICLE VIII, Section 2, of the Constitution.

ARTICLE XIV – DEFINITION OF TERMS

Section 1. In the CONSTITUTION AND BY-LAWS the use of the work “he” shall designate the person filling the office and is not to be construed as male or anti-female, but only a common form of reference.