

**THE AMERICAN LEGION
DEPARTMENT OF WASHINGTON**



**POST BYLAWS
OF
KENNEWICK
POST 4**

Accepted October, 2012

KENNEWICK

POST 4

BYLAWS

PREAMBLE

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 the classes and the masses; to make right the master of might; to promote Peace and Goodwill 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.

ARTICLE I - NAME AND AUTHORITY

SECTION 1

The name of this organization shall be Kennewick Post 4, The American Legion, Department of Washington, having been chartered by the National Organization of the American Legion and incorporated as a non-profit veteran's organization in accordance with the laws of the State of Washington. Nothing in this Bylaws, Rules of Conduct, policies, and procedures may conflict with the National Constitution and Bylaws or Department of Washington Bylaws.

ARTICLE II - NATURE

SECTION 1

This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in the American Legion and no member shall be addressed by his/her military or naval title or rank in any meeting or function of this Post.

SECTION 2

This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III - ORGANIZATION

SECTION 1

This Post shall be organized in accordance with and under the guidance of the American Legion Department of Washington and the American Legion National Organization.

ARTICLE IV - MEMBERSHIP

SECTION 1

Any person shall be eligible for membership in the American Legion Kennewick Post 4 who meets the eligibility requirements for membership as established in the National Constitution of the American Legion.

SECTION 2

There shall be no form or class of membership except an active membership and dues shall be paid either annually or Paid Up For Life (PUFL).

SECTION 3

No person may be a member of more than one Post at any one time.

SECTION 4

This Post shall be the judge of its own membership, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or to remain a Post member.

- A. Each applicant for membership in this Post shall present a completed official membership application or transfer form, together with the current dues and proof of eligibility, for a vote by the Post membership.
- B. Applications for membership shall be acted upon at a Post general meeting and shall be accepted, rejected, or referred for further investigation and consideration. A rejected application shall not be reconsidered until after the expiration of six months from the date of such rejection.
- C. No person with charges pending by another Post for violations that could lead to expulsion or suspension shall be permitted to transfer to this Post, until those charges have been settled.
- D. No person who has been expelled by a Post shall be admitted to membership in this Post without the consent of the expelling Post, except:
 - (1) When such consent has been asked for and denied by the expelling Post, an appeal may be made to the Executive Committee of the Department of Washington for permission to be admitted to membership in this Post, and
 - (2) Such person shall be ineligible for membership until such permission is granted.

SECTION 5 - CONDUCT

Members will conduct themselves in a professional and courteous manner at all Legion functions. Members will not bring discredit to the American Legion, American Legion Auxiliary, Sons of the American Legion, or the American Legion Riders Program in any manner. Members will live up to and follow the Code of Conduct as specified in the Post Operations Manual.

SECTION 6 - SUSPENSION OR EXPULSION

A member may be expelled or suspended from the Post and thus, from the American Legion only upon a showing of proper cause, after a fair trial, with the right to appeal. Charges shall be based on disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the American Legion. The method of preferring charges, conducting the trial, and providing the right to appeal shall be as specified in the Post Operations Manual.

SECTION 7 - COMPLAINTS AGAINST MEMBERS

Any complaint lodged against any member of the Post is investigated by the Post Executive Committee pursuant to the Post Operations Manual. Punishment for complaints that have merit shall be no less than a verbal reprimand and no more than a Letter of Censure.

ARTICLE V - POST OFFICERS

SECTION 1

The elected officers of this Post shall be Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Sergeant at Arms, 3-year Committeeman, 2-year Committeeman, and 1-year Committeeman. The Junior Past Commander is considered to be elected, having previously been elected Commander. The Post Executive Committee may appoint other Officers as necessary. The appointed Officers of this Post shall be Judge Advocate, Chaplain, Historian, Finance Officer, and Service Officer.

SECTION 2 - ELECTION OF POST OFFICERS

The officers shall be elected by secret ballot, to serve for the term of their elections, which is from the close of Department Convention to the close of the following Department Convention.

- A. The annual nominations of Post Officers shall be held at the regular meetings in March, April, and May of each year. The election of Post Officers shall be held at the regular meeting in May, immediately after nominations. Nominations shall be preceded by consent of the nominee.

- (1) A majority of the votes cast at the Post election is required to elect.
- (2) Each serving officer not declining shall be automatically entered into nomination for the same office for the succeeding term. This action shall not affect the option of the membership of nominating any other eligible Post member to any office of choice.

- (3) Appointed/Elected Officers may hold another appointed office.
- (4) Every member of this Post in good standing shall be eligible to hold office.

SECTION 3

Immediately following elections, the Post Adjutant shall notify the Department Adjutant of the names, addresses, and telephone numbers of the elected Post Officers and shall include the date of election. Elected officers shall be sworn in by a duly sworn officer of the Department of Washington (includes District Commander and District Vice-Commander). In addition, the Post Adjutant shall inspect the service records of the elected Post Officers and shall certify the eligibility of each to be a member of the American Legion. Such certification shall include the office, name, military service of eligibility, dates of active duty, and service number(s).

ARTICLE VI - VACANCY IN OFFICE

SECTION 1

In the event of a vacancy in the office of Post Commander, for any reason, the First Vice-Commander will assume the office temporarily, and if the First Vice-Commander is unable to assume the office temporarily, then the Second Vice-Commander will assume the office temporarily.

SECTION 2

Vacancies existing in the Executive Committee, or in any office of the Post, except the office of Post Commander, from any cause other than the expiration of their term, shall be filled by a majority vote of the remaining members of the Executive Committee, and a person so elected shall hold office for the unexpired term of the member of the committee whom he/she succeeds. A vacancy may be considered by the Executive Committee to exist when an officer is absent without appropriate explanation for three or more consecutive (regular and Executive Committee) meetings.

ARTICLE VII - RESIGNATION OR REMOVAL FROM OFFICE

SECTION 1 - RESIGNATION

A resignation from any officer shall be submitted in writing (to include electronic media) to the Post Commander or Adjutant, or orally to the Executive Committee when it is in session. Such resignation shall be considered effective, thus creating a vacancy on the date specified in the resignation, or if not specified, on the date received by the Executive Committee.

SECTION 2 - REMOVAL FROM OFFICE

The Executive Committee shall have the power to remove any of its members in accordance with the provisions of this Section.

- A. Any member of the Executive Committee shall be subject to removal if they fail to attend three consecutive, properly called meetings. Such removal shall create an automatic vacancy in that office unless, by a 2/3 vote, the Executive Committee accepts that member's excuse for at least one of those three meetings. *Such excuse shall be presented and voted on by roll call at the meeting at which the absence occurs.*
- B. Any member of the Executive Committee shall be subject to removal for any of the following: malfeasance or misfeasance in office, neglect of duty, failure to carry out in good faith the provisions of the Post Bylaws; or flagrant violation of the Post Bylaws. Charges shall be made in writing and signed by the Legionnaire(s) preferring such charges. The Post Commander or any five voting members of the Executive Committee shall call a special meeting of the Executive Committee to provide a hearing on the charges.
 - (1) At that special meeting, the Executive Committee shall first determine if the charges have merit.
 - (a) If determined, by a 2/3 vote of the members present, that the charges have merit, the Executive Committee shall determine, by a 2/3 vote of the entire voting membership of the Executive Committee, whether the charges warrant removal from office or some lesser applicable punishment which will be meted out at that meeting.
 - (b) If the charges are determined to be without merit, per the vote above, the Executive Committee shall dismiss the charges and shall then determine what action to take relative to the Legionnaire(s) who preferred the charges.
 - (2) When the Executive Committee determines that removal from office is warranted; it shall take effect immediately, creating a vacancy in that office.
 - (3) The provisions of this clause apply only to officers, elected and appointed.

ARTICLE VIII - DUTIES OF OFFICERS

SECTION 1

The Post Commander shall preside at special and regular meetings of the Post Legion membership and Post Executive Committee and to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. The Commander shall make an annual report to the membership covering the business of the Post for the year. The Commander shall perform such other duties as directed by the Post membership.

SECTION 2

The First Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Commander. The First Vice-Commander shall also serve as chairman of the Post Membership Committee. The First Vice-commander shall perform such other duties as directed by the Post membership.

SECTION 3

The Second Vice-Commander shall be prepared to act for the First Vice-Commander in the latter's absence. The Second Vice-Commander may also act for the Commander when the Commander and First Vice-Commander are absent or unable to fulfill that duty. The Second Vice-commander shall perform such other duties as directed by the Post membership.

SECTION 4

The Post Junior Past Commander shall be a member of the Executive Committee. The Junior Past Commander shall serve one term immediately following his/her term as Post Commander (one term is defined as the time the next Commander spends in office or one year whichever is longer).

SECTION 5

The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, process membership, issue cards, and keep such records as the Department and National American Legion organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the Commander handle all correspondence of the Post.

SECTION 6

The Post Finance Officer shall have charge of all finances and shall see that they are safely deposited in local banks and shall report once a month to the Executive Committee and Post Membership the conditions of the finances of the Post, with such recommendations as may be deemed expedient or necessary for raising funds with which to carry on activities of the Post.

SECTION 7

The Post Sergeant at Arms shall preserve order at meetings and shall perform such duties as may be from time to time assigned by the Post Commander and the Post Executive Committee.

SECTION 8

The Post Historian shall be charged with documenting the individual records and incidents of the Post and the Post membership.

SECTION 9

The Post Chaplain shall be charged with the spiritual welfare of the membership and will offer divine but non-sectarian service in the events of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are from time to time recommended by the Department or National Headquarters.

SECTION 10

The Post Service Officer is responsible to look to the welfare of all veterans that may need assistance in work, health, or bereavement. He or she shall also be the link between the local Post and District Service Officer or Department Service Officer for veteran's benefits.

SECTION 11

The Post Judge Advocate is the guardian of the constitutional form of Post government. Legal training is desirable but not required. The Judge Advocate shall act as parliamentarian for Post meetings, including Executive Committee meetings.

SECTION 12

The three (3) Executive Committeemen shall represent the membership at large. Along with the Judge Advocate they shall perform audits as necessary of the Post Operations as requested by the Post Commander, Executive Committee, or the membership.

SECTION 13

Each officer, or member, regularly handling Post monies, shall be properly bonded or insured with a good and solvent company to cover double the average annual funds handled by that individual.

ARTICLE IX - POST OPERATIONS

SECTION 1

The Post Executive Committee shall establish Post Operating Procedures as deemed necessary for activities and procedures not covered in these Bylaws and publish all said Post Operating Procedures as a Post Operations Manual.

SECTION 2

Distribution of the approved Post Operations Manual shall be the same as for the Post Bylaws.

SECTION 3

POST OPERATING PROCEDURES REVIEW

Each Standing Committee shall review their Operating Procedures annually and submit any changes to their procedures to the Post Executive Committee for approval.

ARTICLE X - POST MEETINGS

SECTION 1

- A. The regular meeting of Post 4 shall be held at a place and time, generally on the second Thursday of each month, starting at 7:00 pm, as established by Post membership, at which time may be transacted such business as may be brought for action.

- B. The location, date, and time of any monthly regular meeting may be changed by specific action of the Executive Committee, providing reasonable attempts are made to notify all members in good standing at least one week in advance of the changed date and time.

SECTION 2

A quorum shall exist at a regular meeting of the Post, with the majority of those members present.

SECTION 3

The rules of procedure at any meeting of this Post shall be those set forth in Robert's Rules of Order, except as they may conflict with the provisions of any article of the Bylaws of this Post, the Department Bylaws, or National Bylaws or Constitution. Provisions of the Manual of Ceremonies shall govern protocol as provided for in the Post Operations Manual shall be observed at all Post membership meetings.

SECTION 4

Special meetings may be called at any time by the Post Commander, by five members of the Post Executive Committee, or upon written request of any five members of the Post. Notifications to the membership of actions, pending or considered, requiring their participation, shall be through media reasonably expected to establish contact, such as telephone, conventional mail, electronic mail, Post web site notification, other electronic media, or newspaper notices.

ARTICLE XI - POST EXECUTIVE COMMITTEE

SECTION 1

The government and management of the Post are entrusted to the Executive Committee, which consists of the Post Officers. The Executive Committee shall meet each month to dispose of such business as may come before it. The Post Commander shall set the date and time of the Executive Committee meetings.

SECTION 2

At Executive Committee meetings, all Executive Committee members and Post Legionnaires shall have full floor privileges for the purposes of discussion, but only elected members of the Executive Committee may vote.

SECTION 3

Any Executive Committee member may be removed from office and replaced as prescribed in the Post Bylaws.

SECTION 4

A majority of the voting members of the Executive Committee present, but not less than three, shall constitute a quorum for the Executive Committee.

SECTION 5

Immediately following Department Convention the newly elected Officers and Committeemen of the Post Executive Committee shall meet for organization and such business as may come before it at the call of the Post Commander and not later than (10) days after taking office. In addition, the Commander shall call a meeting of the Post Executive Committee, to approve the Commander's appointments.

SECTION 6

The Executive Committee is authorized to make any expenditure necessary to the business of the Post not to exceed \$300.00 for any single expenditure.

SECTION 7

Except in matters of routine business, voting shall be by roll call.

SECTION 8

The minutes of the meetings of the Executive Committee shall be read or made available at the next regular meeting of the Post and any exception by a member to any such action shall be a cause for review of that action by the membership of the Post.

ARTICLE XII - DELEGATES

SECTION 1

Delegates and alternates to the Department Convention and the Department and District Conference(s) shall be elected by the membership at a regular meeting of the Post. Election shall precede the Department Convention and Mid-Winter Conference by at least thirty days and the District Conferences (Fall and Spring) by at least fifteen days prior to the date of such meetings. Following election, Delegates and alternates names and addresses are to be sent to Department Adjutant or District Commander within five days.

SECTION 2

Such Delegates may be Officers of the Post.

ARTICLE XIII – STANDING AND SPECIAL COMMITTEES

SECTION 1

The Post Commander, with the approval of the membership shall appoint chairmen and members of the Standing committees listed below to provide for the objectives and purposes of this Post and to promote the principles as set forth in the preamble to the Constitution of the American Legion. Specific responsibilities and functions of each standing committee are as specified in the Post Procedure Manual.

- A. Finance Committee
- B. Americanism Committee
- C. Membership Committee

- D. Activities Committee
- E. Building Committee
- F. House Committee
- G. Programs Oversight Committee

SECTION 2

Special (ad hoc) committees may be appointed by the Post Commander for the purpose of advising the Commander or the Executive Committee or other purposes as directed by the Post Commander. The purposes of such committees shall be explicitly specified at the time of formation and documented by the Post Adjutant. Such committees shall have no authority to act in the name of, or make decisions for, the Post membership or the Post Executive Committee. Such committees may be made up of members of the Post, Sons of the American Legion Squadron, and the American Legion Auxiliary Unit. When the purpose(s) for such committees have been fulfilled, said committees shall be disbanded.

ARTICLE XIV - DUES AND FEES

SECTION 1

The annual dues for membership in Post 4 shall be as specified in the Post Operations Manual.

SECTION 2

The Post shall pay to Department headquarters a per capita amount established by the Department and National of annual membership dues for every member of the Post other than Paid Up For Life members.

ARTICLE XV - AUXILIARY

SECTION 1

This Post recognizes an auxiliary organization known as the American Legion Auxiliary Unit 4. Membership in the Auxiliary Unit 4 shall be as specified in the National Constitution.

ARTICLE XVI - AMENDMENTS TO BYLAWS

SECTION 1

These Bylaws may be amended or revised by resolution(s) written for that purpose. Resolution(s) must be approved by a vote of two-thirds of the members of the Post attending a meeting called for that purpose, provided that the resolution(s) shall have been submitted in writing and read at the next preceding regular meeting of the Post, and provided further that appropriate notices shall have been given.

ARTICLE XVII - CERTIFICATION

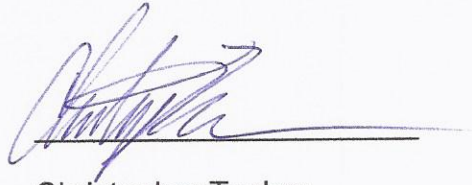
This is to certify that these bylaws were approved on the date indicated below at a regular meeting of Kennewick Post 4 at the Post Quarters in Kennewick, Washington, a quorum in accordance with the Post Bylaws being present.

CERTIFICATION

Membership approval date: October 11, 2012

A handwritten signature in blue ink, reading "David W. Mitchell", written over a horizontal line.

David W. Mitchell
Post Adjutant

A handwritten signature in blue ink, reading "Christopher Tucker", written over a horizontal line.

Christopher Tucker,
Post Commander

ENDORSEMENTS

Bylaw revisions as approved by Kennewick Post 4 on October 11, 2012, at Kennewick, Washington.

Reviewed this 18th day of December 2012.



David I. Gedrose
Department Judge Advocate
The American Legion, Department of Washington

Under the provision Article XXV Section 2 of The American Legion Washington Bylaws the foregoing Bylaws are reviewed and endorsed effective this date. This page will be attached as the last page of the approved document.

Approved for implementing effective this 20th day of December, 2012

APPROVED BY:



Dale F. Davis
Department Adjutant
The American Legion, Department of Washington