



The American Legion
Riddle – Hutcheson Post 0077
Bentonville, Arkansas 72712

POST 77 BY-LAWS

**These By-laws supersede
any previously dated Post 0077 By-laws in their entirety.**

ARTICLE I NAME

Section 1. The Arkansas Corporation existing under these By-Laws is to be known as Riddle-Hutcheson Post 77, The American Legion, Department of Arkansas.

Section 2. The objectives of this Post are as set forth in its Constitution.

ARTICLE II MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Officer Committee (EOC) comprised of elected or appointed members.

Section 2. The EOC shall consist of officers of the Post and shall be elected annually in May prior to the Annual Convention of The American Legion, Department of Arkansas. They shall take office at the meeting next following that of the election. Elections of officers shall be by ballot (except in the case of only one nominee) and the candidate or candidates receiving the highest number of votes from members present shall be elected to the respective office or offices for which they are candidates.

Section 3. All vacancies existing in the EOC, or in any office of the Post from any cause other than the expiration of the term, shall be filled by Commander's appointment and confirmed by a majority vote of the EOC. A person so appointed shall hold office for the unexpired term of the member of the committee or officer whose vacancy was filled. A vacancy shall exist when a member or officer resigns for any reason or is absent from the Post for a continuous period considered detrimental to the interest of the Post by the EOC.

ARTICLE III POST EXECUTIVE OFFICER COMMITTEE (EOC)

Section 1. The Post Executive Officer Committee (EOC) shall meet for organization and such other business as may come before it at the call of the Post commander within 10 days after the installation of the new officers. Thereafter the EOC shall meet at the call of the commander at least every month and prior to the regular membership meeting and as often as said commander may deem necessary. The commander shall call a meeting of the EOC upon the joint written request of three or more members of said Post EOC, one half or more of the members of the committee shall constitute a quorum thereof.

Section 2. The Post EOC shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally shall have charge of and be responsible for the management of the affairs of this Post.

ARTICLE IV DUTIES OF OFFICERS

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 affairs of the Post, and such officer shall be the chief executive officer of the Post. The commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department adjutant. The commander shall perform such other duties as needed by the Post and as brought before the EOC for approval.

Section 2. Duties of 1st Vice-Commander. The 1st 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 Post commander. The 1st Vice Commander shall have general supervisory responsibility over membership activities of the Post and report such activities to the Post.

Section 3. Duties of 2nd Vice Commander. The 2nd Vice Commander shall be responsible for an "I like my post because..." atmosphere in which legionnaires have fun while doing the work of the Legion. Therefore, the commander depends on the 2nd Vice Commander to help run the programs and schedule events that spice up meetings and attract attendance. The 2nd Vice Commander shall have general supervisory responsibility over these activities of the Post and report such activities to the Post.

Section 4. Duties of Post Adjutant. The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Post, Department, and National 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. The Post Adjutant shall work with the Post Historian to preserve historical records.

Section 5. Duties of the Finance Officer. The Finance Officer of the Post shall perform duties as the post treasurer, have charge of all finances, and see that all post funds are safely deposited in some local bank or banks. This officer shall report once a month to the Executive Officer Committee (EOC) and to the general membership at regular membership meetings, the condition of the finances of the Post with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer/Treasurer shall have general supervisory responsibility over all financial activities of the post.

Section 6. Duties of Post Historian. The Post historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Officer Committee.

Section 7. Duties of Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of post members. The Post Chaplain will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 8. Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Officer Committee.

Section 9. Duties of Service Officer. The Service Officer is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law – law The American Legion helped craft. The Service Officer must know how to access and utilize the expert services available through Legion channels and other community agencies.

ARTICLE V FINANCE

Section 1. The Post Commander, Post Adjutant, and Treasurer/Finance Officer shall be signatory on all bank accounts.

- a. The Finance Officer shall provide written financial transparency reports for permanent record and viewing at will by post members as outlined in the Post Standard Operating Procedure (SOP). This Permanent Record will be present at all membership meetings for viewing by members.
- b. Financial detail will not be placed in the meeting minutes as the minutes are posted on the post Internet webpage.
- c. The Executive Officer Committee (EOC) shall be free to expend by majority vote of EOC members present, funds for the good of the post up to the limit established in the SOP.
- d. Each of the bank account signatory officers shall be free to expend without prior EOC approval up to the limit established and outlined in the SOP for routine, normal, and necessary post expenses which are deemed necessary using the prudent person rule. In the event that an expense of more than the limit established is needed, an email approval is acceptable provided that copies of the email approval are attached to the monthly reports.

ARTICLE VI REIMBURSEMENT OF EXPENSES

Section 1. Reimbursement of expenses may be allowed when conducting necessary post business on a case-by-case basis. The EOC will set up guidelines in the Post Standard Operating Procedure (SOP) Manual for all reimbursements, and a reimbursement must be approved before the expense is incurred. The claim must contain all receipts for the expense and a clear itemized justification for each reimbursement.

Section 2. The Post Commander shall receive reimbursement of travel expense, round trip to attend the Annual Department Convention and the Mid-Winter Department Executive Committee (DEC) Conference. Limits to this expense shall be determined by majority vote of the EOC and defined in the Post Standard Operating Procedures (SOP) Manual.

ARTICLE VII DELEGATES

Section 1. Delegates and alternates to the Department Annual Convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at the post meeting prior to the date of such convention.

ARTICLE VIII APPOINTMENTS

Section 1. The Post commander, immediately upon taking office each year, shall appoint officers of existing programs and standing committees which shall be confirmed by vote of the Executive Officer Committee. Programs and Standing Committees may select and recommend members of the program or standing committee to leadership positions, and then present these recommendations to the Commander for appointment.

Section 2. The Post Commander may with cause and reason, form and organize any committee needed to enhance and carry out the mission of the post. Specific instruction concerning operation of Standing Committees shall be established in the Post Standard Operating Procedure (SOP).

Section 3. *The American Legion Auxiliary (ALA).* The Post Commander may request and then appoint a non-voting ALA representative be present at all Executive Officer Committee (EOC) meetings to act as a liaison between the ALA and the Post. This representative shall coordinate ALA business with that of the Post and shall report and carry information and requests between these two organizations.

Section 4. *Sons of The American Legion (SAL).* The post shall recognize and encourage the formation and operation of the SAL program at this post. The Post Commander may request and then appoint a non-voting SAL representative who will be present at all Executive Officer Committee (EOC) meetings to act as a liaison between the SAL and the post. This representative shall coordinated SAL business with that of the post and shall report and carry information and requests between these two organizations.

Section 5. *The American Legion Riders (ALR).* The American Legion Riders (ALR) is an American Legion program, which falls under post purview. The ALR, under the supervision of the Post Commander and EOC, is for legionnaire members of the post, The American Legion Auxiliary (ALA), and The Sons of The American Legion (SAL), collectively "The Legion Family," who also share an interest in motorcycling. The ALR shall provide a non-voting ALR representative (usually the ALR Director) who will be present at all Executive Officer Committee (EOC) meetings to act as a liaison between the ALR and the post.

ARTICLE IX RESOLUTIONS

Section 1. All resolutions of state or national scope presented to the post by a member, or reported to this post by a committee, shall merely embody the opinion of the submitter. Upon passage of the resolution by the post membership, a copy of all resolutions of state or national scope shall be forwarded to Department of Arkansas Headquarters for approval, before any publicity is given or action taken.

ARTICLE X MEETINGS

Section 1. The regular meeting of the Post shall be held as decided and posted by the post membership. Post Membership Meetings shall include all business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the post.

Section 2. The Post commander or a majority of the Executive Officer Committee shall have power to call a special meeting of the post at any time.

Section 3. Upon the written request of five or more post members, the EOC shall call a special meeting of the post.

Section 4. A majority of Post Officers present shall constitute a quorum for any meeting.

ARTICLE XI NOTICES

Section 1. Every member shall furnish the Post adjutant with an address for mailing.

Section 2. The Post adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

ARTICLE XII RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

ARTICLE XIII LIMITATIONS OF LIABILITIES

Section 1. The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

ARTICLE XIV AMENDMENTS

Section 1. These By-Laws may be amended at any regular post meeting by a majority vote of those present; provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of the post; and, provided, further, that written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at the next meeting with date given, a proposal to amend the By-Laws is to be voted upon.

ARTICLE XV DELINQUENCY, RESIGNATION AND TRANSFER ,

Section 1. American Legion membership is annual, the Legion year being from January 1 to December 31. Dues are payable in advance on July 1st of each year, usually following the Annual American Legion Convention. If dues are not paid by January 1 of each calendar year, the member becomes delinquent. If dues have not been paid by February 1, the member is suspended. A suspended member has no privilege except that of reinstatement by post vote and payment of dues. Dues not being paid, a suspended member continues this status for five months, to June 30, at which time the member is considered inactive.

Section 2. A member may resign from the post at any time while dues are paid and can thereafter join another post as a new member, in which event the continuity of membership is broken. Upon resignation, the member is not entitled to rebate of any part or portion of the member's dues.

Section 3. A post member in good standing may not move the membership to another post and retain continuous membership without the formality of a transfer. Being a member of more than one post at one time is a violation of the constitution. The right to transfer does not carry the right to be accepted by any post. On transfer there shall be no transfer of funds derived from dues, etc. The accepting post shall recognize that dues have been paid to the post from which the transfer is effected and shall make no charge therefore, excepting only if the dues of the post accepting the member are in excess of those from which the transfer is sought; then the accepting post may collect from the transferring member the excess dues pro-rated from the date of acceptance to the end of the current year. In all instances where a member during a current year transfers from one post to another after payment of the current year's dues, the transferring post shall retain said dues and shall have credit for such membership during the remainder of such year for which said dues were collected, but said transferred member shall be entitled to all of the benefits and assume all of the responsibilities of membership in the post to which transfer is made, after such transfer is affected.

SECTION XVI ELIGIBILITY

Section 1. National policy requires that eligibility inquiries be submitted through the department. There is only one class of membership; honorary memberships are not authorized. In all doubtful cases, consult the Department Judge Advocate.

SECTION XVII CONSTITUTIONAL ELIGIBILITY REQUIREMENTS

Section 1. All who served in the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States are eligible only if they have the following constitutional requirements: "Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during any of the following periods:

April 6, 1917, to November 11, 1918
December 7, 1941, to December 31, 1946
June 25, 1950, to January 31, 1955
February 28, 1961, to May 7, 1975
August 24, 1982, to July 31, 1984
December 20, 1989, to January 31, 1990
August 2, 1990, to the date of cessation of hostilities as determined
by the Government of the United States.

Section 2. All dates are inclusive ... provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service."

Section 3. The language “or continued honorably after any of said periods” refers to those remaining in service after the date terminal at which time eligibility may be established by all veterans having honorable active service during such periods, regardless of whether they have been discharged or stay on in the service.

SECTION XVIII CONSTITUTION REQUIREMENTS WITH REFERENCE TO ALLIED ARMIES

Section 1. “Any person shall be eligible for membership in The American Legion ... who, being a citizen of the United States at the time of entry therein, served on active duty in the armed forces of any of the governments associated with the United States during any said periods ... provided, however, such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.” The word “citizen” requires full citizenship, and one who had only made application for citizenship and had what is commonly known as “first papers” was not admitted to full citizenship at the time of entry into the service and therefore is not eligible. Only full citizenship prior to service with an allied army entitles one to membership. The attainment of U.S. citizenship subsequent to such service does not fulfill the requirement.

SECTION XIX DISHONORABLE DISCHARGE

Section 1. When a veteran has proper wartime service, with honorable discharge, but received a discharge other than honorable by reason of a subsequent enlistment, if the later enlistment was outside of the ending dates of eligibility set forth in Article IV of the National Constitution of The American Legion, the person in question would be eligible, based on the first period of service which met the constitutional requirement. (The question of his acceptability being a matter of the post under Section 1, Article IV, National By-Laws.)

Section 2. If the subsequent enlistment was during a period of eligibility set forth in Article IV of the National Constitution of The American Legion and ended on other than an honorable discharge, it would permeate the entire service for that period and would not be eligible for membership based on service for that period.

Raymond Brust
Raymond E. Brust, Post 77 Commander

Date: 7/1/2015

Rodney W. Robinson
Rodney Robinson, Post 77 Adjutant

Date: 7/1/2015