

POST ██████████ CONSTITUTION AND BYLAWS

Without Canteen Operation



Updated June 2020

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AMVETS Department of Florida

AMVETS (American Veterans) POST _____ CONSTITUTION AND BYLAWS

CONSTITUTION PREAMBLE

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

ARTICLE I. NAME

The name of this Post shall be AMVETS (American Veterans) Post _____ city of _____, County of _____, in the State of Florida and it shall be hereinafter referred to as the Post. That name shall be recognized as the official name of this Post.

ARTICLE II. AIMS

The aims and purposes of this organization are as follows:

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

9. To act as liaison agent between the veteran and the Government.

10. To provide an organization to encourage fellowship among all American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

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

ARTICLE III. ORGANIZATION

This Post shall be organized with an Executive Committee. The Executive Committee shall have administrative powers to conduct Post affairs between General Membership meetings. All revenues derived from Post activities shall be under the direct supervision of the Finance Officer.

ARTICLE IV. MEMBERSHIP

Section 1. Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940, is eligible for regular membership in AMVETS provided such service, when terminated by discharge, or release from active duty, be by honorable discharge, honorable separation, or general discharge under honorable conditions. Membership eligibility was extended to include wartime merchant marines who are eligible for veteran's benefits and have secured a DD-214 from either the Navy or the Coast Guard.

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

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

Section 4. All United States Reservists and National Guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS, provided such service, when terminated by discharge or release from active duty, be by honorable discharge or honorable separation.

Section 5. Honorary memberships shall not be granted.

Section 6. No member shall be a member of more than one AMVETS Post at the same time.

Section 7. This Post shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the National and Department organizations. (See AMVETS Department of Florida Bylaws Article VII).

Section 8. Annual membership shall run from September 1st through October 31st of each year.

Section 9. Eligibility for membership and the rights and privileges of members shall be as provided in this constitution and bylaws, and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, gender, sexual orientation, or national origin.

ARTICLE V. OFFICERS

Section 1. The elected officers of this post shall consist of a Commander, 1st Vice Commander for Membership, 2nd Vice Commander for Programs, (3rd Vice Commander – Legislative optional), Finance Officer, Judge Advocate, and Provost Marshal, Judge Advocate, and such other officers as may be prescribed by the bylaws.

Section 2. The appointed officers may consist of an Adjutant, Public Relations Officer, Historian, Chaplain, and Quartermaster. A Sons of AMVETS coordinator must be appointed if a Squadron Sons subordinate organization exist.

Section 3. Election of officers shall be held annually between May 01 and May 14. Nominations shall be made from the floor at the March and April regular meeting and again just prior to elections at the Annual Meeting.

Section 4. In the event of a vacancy, regardless of the reason for such vacancy, in the office of Commander, 1st Vice Commander, or Second Vice Commander, (or optional 3rd Vice Commander), the 1st Vice Commander shall assume the duties of the Commander, and the 2nd Vice Commander shall assume the duties of the 1st Vice Commander and 3rd Vice Commander shall assume the duties of the 2nd Vice Commander. A vacancy of the last Vice Commander (2nd or 3rd), Finance Officer, Judge Advocate, Provost Marshall or any other elected or appointed officer shall be appointed by the Commander with recommended approval by the Executive Board and final approval by the membership at their next regularly scheduled meeting. The newly appointed officers will assume the duties and responsibilities upon acceptance of the Commander's appointment. Their confirmation of office will be by the membership.

ARTICLE VI. POST EXECUTIVE COMMITTEE

The administrative power between Post meetings shall be vested in the Post Executive committee which shall be composed of the Post Commander, 1st Vice Commander, 2nd Vice Commander (3rd Vice Commander if the position exists), Finance Officer, Judge Advocate, Provost Marshall, and the immediate Past Commander. All shall have equal right of voice and vote except the commander, who shall only vote in case of a tie. All other appointed officers shall have voice but no vote on the Executive Committee. The Post Commander shall be the Chairman of the Executive Committee.

ARTICLE VII. POST REVALIDATION

Every Post shall be required to revalidate its charter within seven (7) days following the annual meeting but not later than May 22nd utilizing the procedures set forth in the Bylaws. The responsibility for gathering and submitting revalidation documents rests with the Commander, Judge Advocate and Post Adjutant.

ARTICLE VIII. SUBORDINATE ORGANIZATIONS

AMVETS (American Veterans) Post _____ recognizes the following subordinate organizations:

- [] AMVETS Post _____ Ladies Auxiliary
- [] Sons of AMVETS, Squadron _____
- [] AMVETS Riders Florida Chapter _____
- [] Sad Sacks _____
- [] Sacketts _____
- [] Sons of Fun _____
- [] Junior AMVETS _____

ARTICLE IX. AMENDMENTS

This Constitution may be amended by a two-thirds vote at a duly announced monthly Regular or annual Membership meeting. The Post Judge Advocate must, through committee, develop recommended changes and present them at the monthly meeting prior to the date that voting on the changes is scheduled to occur. The Post membership shall be made aware that proposed changes are to be voted on at the next meeting at least fifteen days prior to that meeting. This Constitution may also be amended by a unanimous vote at a regular or annual meeting without notice to the membership. Amendments to this constitution shall take effect immediately upon adoption unless otherwise specified by the voting body.

This document is a true copy, which was adopted by the membership of this Post on _____.
(Date)

 (Post Commander signature)

 (Post Commander printed name)

 (Date)

 (Post Judge Advocate signature)

 (Post Judge Advocate printed name)

 (Date)

BYLAWS

ARTICLE I. QUORUM

Section 1. At all annual, regular, and special meetings, a minimum of 5 members present shall constitute a quorum, providing at least one elected officer is present to preside.

Section 2. A quorum at Executive Committee meetings shall consist of 50% plus 1 of the members of the committee.

ARTICLE II. COMMITTEES

Section 1. The following standing committees shall be appointed by the Commander, with approval of the Executive Committee and General Membership: Membership, Finance, and Programs. The Post Commander shall appoint a chairman and such members of AMVETS to each committee as are necessary to accomplish its objective.

Section 2. Temporary committees may be appointed by the Commander to expedite projects for the good and welfare of the Post.

ARTICLE III. MEETINGS

Section 1. This Post shall meet on the (week number) ____ (day) _____ of every month at a place designated at the previous meeting, unless a special meeting needs to be called.

Section 2. There shall be three types of meetings:

- A. REGULAR MEETING referenced above,
- B. SPECIAL MEETING called for a specific purpose on an issue that cannot wait for the general membership meeting, and
- C. ANNUAL MEETING held between May 1st and May 14 electing the Post Officers.

Post members will be notified 15 days in advance of all meetings. Notification must include the time, date, location, and purpose of the meeting. Notification may be verbal, posted on bulletin board, sent by mail or email. If email is used a response must be received by the adjutant or designated person to ensure the addressee received the email. If a critical issue arises that needs immediate approval of the Executive Committee the Commander may notify all Committee members by phone for a 1-day notification of meeting or teleconference.

Section 3. The order of business shall be prescribed by the Executive Committee but may be changed when necessary.

Section 4. Nominations of officers shall be made at the regular meetings in March and April. Final nominations may be made from the floor at the annual meeting.

Section 5. All business meetings of this Post shall be conducted in accordance with Robert's Rules of Order, latest edition.

Section 6. When it becomes necessary to get Executive Board consensus on an important issue that cannot be delayed waiting for a regularly scheduled meeting, the Post Commander may use teleconference call technology to conduct an electronic meeting. This technology may be used for Executive Board and committee meetings. The following procedures will be followed to set up and hold an electronic meeting:

- A. The Commander will set up the electronic meeting through freeconferencecall.com or any similar company. He will advise the names of the Executive Board that will be on the call and get the proper dial in protocol.
- B. The Commander will notify Executive Board members at least 48 hours prior to the electronic meeting. He will give each member the dial in protocol, date and time of the meeting and the subject to be discussed.
- C. When the meeting is started the adjutant will take roll call of each Executive Board member and any invited special guest participating. Executive Board members wishing to be recognized on the teleconference call will state their last name and ask to be recognized. When recognized by the Commander, they may speak.
- D. If voting is required, the Commander will call each member's name and ask for their yea or nay vote. The member will respond first giving their last name followed by their vote preference. The Adjutant will record each name and vote. After the vote is complete the adjutant will advise the voting results.

ARTICLE IV. ELECTION AND APPOINTMENT OF OFFICERS

Section 1. A Commander, 1st Vice Commander, 2nd Vice Commander, (Optional 3rd Vice Commander), Finance Officer, Provost Marshal, Judge Advocate shall be elected annually. An Adjutant, Chaplain, Junior AMVETS Coordinator if appropriate) and Public Relations Officer may be appointed annually by the newly elected Commander with the approval of the Executive Committee. A Sons Coordinator must be appointed if there is a Sons Squadron.

Section 2. The election of officers shall be held at the annual meeting of the Post between May 01 and May 14. The vote shall be taken in the manner prescribed by the Post membership. If by written ballot, sufficient paper ballots will be prepared in advance by the Adjutant. The Provost Marshall shall distribute, collect and count the ballots and shall advise the Judge Advocate, who will review and advise the Post Commander. The Post Commander will make the announcement of the results. Otherwise a showing of hands or standing up will be acceptable for a count. Only members in good standing in person at the meeting shall be entitled to vote. The Post Adjutant shall notify the Department Executive Director of the election of new officers within seven (7) days after the said elections have been completed (Revalidation). Members of subordinate organizations may not participate in any manner in the election process.

Section 3. The newly elected officers, and appointed officers, shall be sworn in and shall take office immediately at the adjournment of the Annual Meeting.

Section 4. No elected officer may be employed in a compensated position in the Post.

Section 5. If the office of the Commander is vacated, the Vice Commanders in the order of their numerical designation shall succeed to the office of Commander for the un-expired term. Only Vice Commanders may succeed to the Commander's position. If all Vice Commanders decline, a special election must be held to fill the Commander's vacancy.

Section 6. Should any other office be vacated, the Commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee, and the General Membership. The newly appointed officer will have the responsibility and accountability of the position immediately upon appointment. Final recommendation for approval through the Executive Board to the membership.

Section 7. No member may hold more than one (1) elected or appointed office and one (1) elected or appointed committee position on the Department level at the same time. No elected officer shall hold more than two (2) elected positions at any level of Florida AMVETS.

Section 8. Any elected or appointed officer who misses two (2) consecutive regular meetings without prior consent shall be removed from office without any further action, notification, or hearing. The vacated position shall be filled within the guidelines prescribed herein.

ARTICLE V. DUTIES AND RESPONSIBILITIES

Section 1. Commander – The Commander is the senior executive officer of the Post and shall preside at all meetings of the Post and Executive Committee but may delegate a Vice Commander to serve as a temporary substitute when needed. The Commander is an ex officio member of all committees. The Commander directs and supervises the activities of all elected and appointed officers and committees. The Commander and Finance officer are jointly responsible for all revenues and expenses of the Post. It is the Commander's responsibility to disseminate to the membership all pertinent information that is sent from the Department and National headquarters. The Commander shall be the official spokesman on all matters of public interest concerning Post activities.

Section 2. 1st Vice Commander for Membership: His duties will be to perform all membership duties as required by higher authority. In the event of the Post Commander's absence or disability and he shall perform the Commander's duties. He shall perform any other duties requested of him by the Post Commander.

Section 3. 2nd Vice Commander for Membership: His duties will be to establish a series of programs to be adopted for the year which shall then be carried out by action of the Post. He shall confer with the Post Commander on all these Programs. Together they will determine the period of time at which these programs will be carried out. He will disseminate information as to how to implement these Programs. He shall also arrange to inform the Post as to the manner of participation in the Programs adopted.

Section 4. 3rd Vice Commander for Legislative (optional): Develop a working relationship with the Department Legislative Officer. Informs Commander and post membership of any legislative items that provide assistance and support to veterans. Provides updates on State and Federal legislation that needs membership support.

Section 5. Finance Officer: An annual budget shall be prepared by the Finance Officer and/or Assistant Finance Officer and submitted to the Executive Committee for approval and adequate books and records of accounts maintained. The Commander, 1st Vice Commander, Finance and

Assistant Finance Officers (if there is an Assistant Finance Officer) will be the only individuals authorized to sign checks or be on bank accounts.

Section 6. Judge Advocate: The Post Judge Advocate is responsible for drafting the post's constitution and bylaws (CBL) for presentation to and adoption by the general post membership. However, any member may submit an Amendment to change the Constitution and Bylaws. Two copies of the updated post CBL, with any changes additions or corrections highlighted must be sent to the Department Judge Advocate for review, approval and forwarding. The Post Judge Advocate will be the prosecutor at all hearings within the Post. If the Judge Advocate recluses himself or is not available, the Commander will appoint a knowledgeable member within the Post to take his place.

Section 7. Provost Marshal: The Provost Marshall preserves order at all meetings of the Post and Executive Committee.

Section 8. Post Employees: Post Employees shall be provided a job description and employees handbook prior to employment. They, along with volunteers, shall receive reasonable training and be free from harassment. Any Employee or Volunteer may be disciplined by their immediate supervisor with due cause in accordance with the Post Personnel Policy and Employee Handbook. A disciplined employee shall have the right to appeal to the Commander then to the Post Executive Committee. The decision of the Post Executive Committee is final and no further appeal may be recognized.

Section 10. Relatives of members holding elected Post positions are not eligible to be compensated employees if their employment establishes a supervisor/subordinate relationship within the Post "chain of command" as outlined in the Department and Post Personnel Policy.

Section 11. Members holding elected Post positions are not eligible for compensated employment. Post employees are also barred from campaigning or otherwise advocating any candidate for an office of the Post. Post employees are covered by the Post Personnel Policy and Employee Handbook. All employees that are Post members have the right to vote at all meetings.

ARTICLE VI. DELEGATES TO CONVENTION

At least thirty (30) days prior to the Department and National conventions, delegates and alternates shall be chosen to attend said conventions. The number of delegates will be in accordance with the National and Department delegate strength guidelines. The Post Commander shall constitute one delegate. Other delegates may be elected with instructions governing their representation.

ARTICLE VII. FINANCE

Section 1. The total annual and life dues of this Post shall be set and paid in accordance with AMVETS Department of Florida Bylaws, Article VI. Section 6.

Section 2. The Post Executive Committee shall approve all fund-raising activities in advance. If a fund-raising activity requires entering into a contract or gross revenue is expected to exceed \$10,000, a copy of the proposed fund-raising program must be transmitted through the Department Judge Advocate to the National Headquarters for approval.

Section 3. An annual budget shall be prepared by the Finance Officer and submitted through the Executive Committee for approval by the membership prior to the beginning date of the Financial year. Financial year will be _____ ending _____. Accurate books and records of account

activities maintained by the Finance Officer shall be subject to inspection and regulation by the Executive Committee at all reasonable times.

Section 4. The Finance Officer shall render a report of receipts and disbursements to each meeting of this Post. This office is also responsible for filing an IRS Form 990 with the District Director of the Internal Revenue Service (or a Certificate in lieu thereof where the 990 is not required) within 5 months and 3 weeks of the end of the Post fiscal year end.

Article VIII. REVALIDATION

Section 1. The Post shall revalidate its charter 7 days after the annual meeting but no later than May 22nd of each year. Revalidation is required for members to register at the Department Convention. The responsibility for gathering and submitting revalidation documents rests with the Commander, Adjutant and Judge Advocate. The following minimum requirements must be completed and forwarded to the AMVETS Department of Florida:

- A. Post should revalidate online through the Post Revalidation in the National Membership Portal. Additionally, the Post must forward a copy of the first page of the most recent IRS Form 990, an updated insurance Acord 25, and a copy of the current year's Articles of Incorporation. Posts unable to revalidate online must fill out the Revalidation paperwork which is on the website of amvetsfl.org. The additional copies listed above must be attached to the paperwork and mailed/emailed to the Department Executive Director.
- B. The Finance Officer shall file Internal Revenue Form 990 for the financial year identified in Article VII Section 3 with the Internal Revenue Service. This document will not be forwarded as part of the revalidation package; however, a copy of the front page must be submitted with the revalidation package and the date annotated on the Change of Officers form. This document is due IRS not later than 5 months and 15 days after the end of the financial year.
- C. The Post Judge Advocate shall submit to the Department Judge Advocate two copies of the current Constitution and By-Laws, if amended during the current AMVET year. If no amendments are made, the Change of Officers Form shall be so annotated.
- D. The Post shall carry worker's compensation insurance in accordance with the State of Florida Statutes. The Post shall carry liability insurance in accordance with the Department of Florida Bylaws, Article XVI, Section 3. E. The Department of Florida AMVETS and the National AMVETS shall be included as additional insured in all policies. A copy of this document (Acord 25 with the National and Department listed in the CERTIFICATE HOLDER block) will be immediately forwarded to the Department and National Organization upon receipt.
- E. The Post shall revalidate its Articles of Incorporation as a "Patriotic Not for Profit Corporation" organization under IRS Code 501C (19) annually. A copy of this revalidation certificate shall be included in the revalidation package.
- F. The Post must be fully paid up in all Department and National accounts.

Section 2. Post officials handling over \$5,000.00 of AMVETS funds annually shall be properly bonded with a good and solvent bonding Surety Company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVETS funds handled by said individual in a single year.

ARTICLE IX. DISCIPLINE OF POST MEMBERS

Each Post of AMVETS shall be the judge of its own membership, subject to the provisions of the National Constitution and Bylaws. All discipline must be handled in accordance with AMVETS Department of Florida Bylaws, Article VII and AMVETS National Bylaws, Appendix B. Appeals must be handled in accordance with the Department of Florida Bylaws, Article VIII and AMVETS National Bylaws appendix C.

ARTICLE X. DISCRIMINATION AND WORKPLACE HARASSMENT

Reports of discrimination and workplace harassment will be handled in accordance with AMVETS Department of Florida Bylaws, Article XI, Section 1 and the Department and Post Personnel Policies and Employee Handbooks.

ARTICLE XI. RESTRICTED USE OF ORGANIZATION

AMVETS, the Post, 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, organization, political party, faction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

ARTICLE XII. BIENNIAL SELF AUDIT PROCESS

Section 1. Biennial audits will be conducted on odd years in accordance with Article XIX AMVETS National Bylaws.

Section 2. The Post Commander appoints at least two AMVETS members approved by the membership, who is independent of any financial/treasury function.

A. Minimal assessments to include but not limited to:

1. Confirm all bank and investment balances;
2. Review and confirm correctness of any large expenses (anything exceeding \$500);
3. Review expenses associated with all grant monies received;
4. Review Commander's discretionary fund and any other discretionary funds or accruals;
5. Review revenue and expenses associated with Charitable Games/Bingo;
6. Review Membership Fund.

B. Results of the annual audit will be explained at the annual meeting by the appointed committee members. A copy of their report will be posted to give all AMVETS members access.

ARTICLE XIII. AMENDMENTS

These Bylaws may be amended by a majority vote at a duly announced monthly Regular Membership meeting. The Post Judge Advocate must, through committee, develop recommended changes and present them at the monthly meeting prior to the date that voting on the changes is scheduled to occur. The Post membership shall be made aware that proposed changes are to be voted on at the next meeting at least fifteen days prior to that meeting. These Bylaws may also be amended by a unanimous vote at a regular meeting without notice to the membership. Amendments to this

constitution shall take effect immediately upon adoption unless otherwise specified by the voting body.

This document is a true copy, which was adopted by the membership of this Post on _____.
(Date)

(Post Commander signature)

(Post Commander printed name)

(Date)

(Post Judge Advocate signature)

(Post Judge Advocate printed name)

(Date)