

THE AMERICAN LEGION



CHEVERLY AMERICAN LEGION POST 108

STANDING RULES OF POST 108

Background of Standing Rules. Cheverly American Legion Post 108, herein referred to as Post 108, may decide to further supplement and clarify the bylaws. Standing rules are rules or resolutions that are of a continuing (or standing) nature. These rules deal only with administrative matters and function under the umbrella of, and must be in compliance with, the organization's bylaws.

Roberts Rules of Order, Newly Revised, 11th Edition. The American Legion and the Department of Maryland utilize Roberts Rules of Order as the established parliamentary procedure.

Roberts Rules of Order

Standing Rules, §2, p.18

Standing rules are rules (1) which relate to the details of the administration of a society rather than to parliamentary procedures, and (2) which can be adopted or changed upon the same condition as any ordinary act of the society. A standing rule can be adopted by a majority vote without previous notice, provided it does not conflict with or amend any existing rule or act of the society.

STANDING RULE 1

USE OF STANDING RULE AUTHORITY

Section 1. While the major advantage to an organization in using Standing Rules is the flexibility to add, amend, or delete Rules without prior notice, and by a majority vote at the same meeting in which a motion on a Standing Rule is made, Post 108 may give advance notice of a motion on a Rule, and the Chair at the Membership Meeting will be receptive to a request to table a motion on a Standing Rule in order to give the Members additional time to consider and discuss such a motion.

STANDING RULE 2

POST OFFICERS

Section 1. In accordance with the Post Constitution, Article IV, Section 1, the Post Commander shall appoint the following officers: Post Historian, Post Chaplain, Post Service Officer, Post Assistant Adjutant, and Post Assistant Finance Officer, if deemed necessary for administration of Post 108, subject to approval of the Post Membership. Appointed Officers do not have a vote on the Post Executive Committee, but may have voice on matters, and can exercise their right to vote on matters at all Post meetings.

Section 2. Vacancies for any reason other than death or disability shall be filled in the same manner as prescribed in Article II of the Post Bylaws.

STANDING RULE 3

POST EXECUTIVE COMMITTEE

Section 1. Composition. In accordance with the Post Constitution, Article V, Section 2, the Post Executive Committee shall consist of:

Commander

1st Vice Commander

Second Vice Commander

Judge Advocate

Adjutant

Finance Officer

Four (4) members elected at-large.

Section 2. Responsibilities and Authority of the Post 108 Executive Committee.

The Executive Committee is the administrative authority, and manages Post 108 in accordance with the Constitution and By-Laws of The American Legion, of the Department of Maryland, and of Post 108, but they manage Post 108 on behalf of the Post 108 Membership. The Executive Committee has the responsibility, and commensurate authority, on matters such as, but not limited to, the Post's compliance with the rules and regulations of The American Legion and the Department of Maryland; compliance with external laws and regulations (e.g., environmental and safety laws and regulations, alcohol license regulations and gaming permits, etc.); supervising the financial management and ensuring the audit of Post 108's affairs; the daily operations of Post 108, to include employment and compensation decisions, and the obtaining of insurances as appropriate.

The Executive Committee shall serve as a disciplinary committee in all cases concerning the Post Dugout. The committee shall conduct an impartial hearing in all cases and shall either substantiate or dismiss such charges as are brought before it. The committee shall have the power to suspend a Post member for any period up to but not exceeding ninety (90) days. The committee shall not have the power of expulsion but may make such recommendation to the General Membership regular meeting. Should any member of the Executive Committee be involved in the action being heard by the committee they shall be recused as a member of the disciplinary committee and a substitute shall be appointed by the Commander. Should an individual's conduct warrant suspension of more the ninety (90) days, the Executive Committee shall bring that recommendation to the General Membership regular meeting.

Section 3. Post 108 Executive Committee Elected Members (PEMs)

(a). Eligibility. Any Member, other than the officers who are members of the PEC ex officio, may serve as a Post 108 PEM.

(b) Election to the Post Executive Committee. Elections to fill a PEM office shall be at the same time (i.e., at the same meeting), and in the same manner, as the election of Officers.

(e). Vacancy in a PEM Office. A vacancy in an office of the PEM shall be treated as a vacancy in an elected office.

STANDING RULE 4

BUDGET AND PROCUREMENT

Section 1. Procurement. Procurement is the purchase of supplies or services, either with or without a formal written contract; it is not the hiring of employees.

Section 2. Budget.

i. A budget shall be proposed by the Post Executive Committee at least 60 days before the start of Post 108's Fiscal Year. The budget shall be the basis of all expenditures within Post 108, and must be approved by the Post Membership in Regular Meeting before the beginning of the Fiscal Year.

ii. The Finance Officer shall make disbursement, upon written authorization of the Post Commander, any payment for budgeted items or expenditures, and is hereby permitted to exceed Post 108 budgeted amount for any line item in the Post Budget by 10%. All such expenditures in excess of budget line, are considered approved by Post 108, but must be reported to the next Post Executive Committee Meeting, and Post Membership meeting. Recommendations for amendments to the line items shall be considered at that time to allow for the continued operations of those categories of expenses.

Section 3. Procurement Scenarios and Spending limits for non-budgeted items. There are four scenarios of procurement.

(a). Small Purchases. These are purchases below \$2,500.00. The Post Executive Committee may approve these purchases, without additional approval of the Post Membership. These purchases will be reported to the Membership at the next Regular Membership Meeting.

(b). Purchases in Emergency Circumstances. Purchases in excess of the budgeted emergency circumstance line item, up to an additional \$5,000.00, may be approved by the Post Executive Committee, without additional approval of the Post Membership, if the Post Executive Committee determines that exigent circumstances warrant that purchases commence, or contracts be entered without delay. Exigent circumstances include things such as, but not limited to, the emergency repair of electrical, plumbing, heating and cooling, and security systems. These purchases shall be reported to the Membership at the next Regular Membership Meeting.

(c). Purchases Affecting Health, Safety, and Compliance. Non-budgeted purchases, up to an additional \$5,000.00, that are needed to ensure health, safety, or compliance with law or regulation, may be approved by the Post Executive Committee, without additional approval of the Post Membership. These purchases shall be reported to the Membership at the next Regular Membership Meeting.

(d). Major Purchases. These are non-budgeted purchases that do not qualify under (a), (b) or (c) above. Major purchases are subject to approval by a majority vote of the Membership at a Regular or Special Membership Meeting. While it may be advisable to give notice and have discussion at least one

Membership Meeting before a vote on a major purchase, there is no requirement to do so, i.e., the major purchase can be introduced and voted on at the same Membership Meeting.

Section 4. Non-budgeted Expenditures without Executive Committee Recommendation. Non-budgeted expenses, exceeding \$1,000.00, proposed at Post Membership meeting without Post Executive Committee recommendation, shall automatically be referred to the Post Executive Committee for consideration and recommendation. No such expense may be voted upon by the Post Membership meeting until the next regular membership meeting following the initial motion. This rule may be suspended with a unanimous vote at any Post Membership meeting.

Section 5. Contracting with Members of Post 108 or their Relations. Contracts with, or compensation for services or supplies from, Members of Post 108 or their relations, are subject to the same restrictions and considerations on employment in Standing Rule 6. This does not preclude using volunteer labor of members or their relatives.

Section 6. Criteria for Purchases. Purchases, in any amount, can only be made if it is determined that the prices to be paid are fair and reasonable; that the market survey and competition considerations were appropriate for the type and value of the purchase; and that the purchase is free from real or apparent conflicts of interests. Factors other than lowest price may be considered in purchasing a supply or service, and in selecting the contractor (i.e., a value/cost trade off).

STANDING RULE 5

OTHER POST 108 EXPENDITURES

Section 1. Expenditures for Routine Post 108 Operations. Budgeted expenditures necessary for the operations of Post 108, such as utilities, do not require additional approval by the Membership, and the Post Executive Committee shall ensure such payments are proper and are made as a part of its management of Post 108. These payments shall be reflected in the course of financial reporting at Regular Membership Meetings.

Section 2. Expenditures for Post 108 Initiatives. Subject to the approval of the Membership, Post 108, like all posts of The American Legion, may sponsor on-going activities, such as but not limited to, sports teams and scouting organizations. Post 108 may budget such expenses. However, Post 108 may also support occasional activities, e.g., of a social, patriotic, or fund-raising nature. In the cases of non-budgeted expenditures, the approval of the Membership is required to engage in, or support, such activities, and the Members' approval is the authority to incur and pay the reasonable and necessary expenses associated therewith. These expenses will be reflected in the course of financial reporting at Regular Membership Meetings.

Section 3. Post Donations. Post 108's charitable donations, not contained in the budget, are subject to the approval of the Membership.

STANDING RULE 6

POST 108 EMPLOYEES

Section 1. Employees of Post 108. An employee of Post 108 is an employee within the meaning of the guidelines of the State of Maryland Department of Labor, Licensing, and Regulation. In short, a Post 108

employee is a person for whom Post 108 submits income tax reports – other than a Standard Form 1099.

Section 2. Employment Authority. The Post Executive Committee has hiring and discharge authority over employees. This includes setting the qualifications for, and the terms and conditions of, employment in accordance with Maryland law. Employment with Post 108 is a personal services contract, and the Post Executive Committee has supervisory and disciplinary authority over Post 108 employees.

Section 3. Employment Considerations

(a). Employment of Post 108 Members or Relations. Subject to the considerations and restrictions set forth in this Standing Rule, Members of Post 108 and their relations may be a full or part-time employee of Post 108.

(b). Conflicts of Interest. All employment decisions shall take into account the need to avoid real or apparent conflicts of interests, and to ensure fairness and consistency in the exercise of hiring and compensation authority.

(c). Employment of Post Officers and PEMs. Post officers and PEMS shall not be employees of Post 108. Any officer who becomes an employee shall surrender his or her office.

(d). Recusal from Employment Decisions. If a person that has an outside business relationship with, cohabitates with, is a relation of, or significant other of a Post 108 Officer or PEM and is an employee of Post 108, the Officer or PEM shall recuse himself or herself from all decisions affecting such person's employment.

Section 4. Discharge of Post 108 Employees. While Maryland is an "employment-at-will" state, the Post Executive Committee will ensure that employees are afforded pre or post discharge access to the Post Executive Committee concerning their proposed or effected discharge.

STANDING RULE 7

COMMITTEES

The Executive Committee shall appoint the following standing committees: Membership, Entertainment, House, Finance, Audit, Communications, Building & Grounds and such other committees as may be necessary. Committee members shall be composed of Post 108 Legionnaires, American Legion Auxiliary Unit 108 members and Sons of the American Legion Squadron 108 members. The committee chairperson may only be a Post 108 Legionnaire unless approved by a majority vote at a General Membership meeting as nominated by the Executive Committee. All committee chairpersons and members shall be posted.

Section 1. Membership Committee. The membership committee shall have charge of all matters pertaining to the membership of Post 108, including the procurement of new members, reinstatement, and eligibility of members. The 1st Vice Commander shall be the membership committee chairperson unless otherwise appointed by the executive committee.

Section 2. Entertainment Committee. The entertainment committee shall have charge of all matters pertaining to and arrangements of public and private events activities of Post 108. The 2nd Vice

Commander shall be the entertainment committee chairperson unless otherwise appointed by the executive committee.

Section 3. House Committee. The house committee shall be responsible for all rentals of Post 108, maintaining a rental/events calendar, upkeep of Ross-Tayman Hall facilities, coordination of rental staff, and recommendation of rental facilities capital improvements. The house committee chairperson shall function as the rental manager unless a rental manager is appointed by the Post Executive Committee.

Section 4. Finance Committee. The finance committee shall be charged with administration of the financial policy, the preparation of budget recommendations, the supervision of receipt and expenditure of all funds, and the proper accounting for all funds. The Finance Officer shall be the finance committee chairperson and at least two additional members shall be appointed by the Executive Committee.

Section 5. Audit Committee. The audit committee shall be charged with causing an annual audit to be conducted either by an external auditing firm or by the committee themselves. The audit committee shall consist of three members not connected with the disbursement of funds.

Section 6. Communications Committee. The communications committee shall be responsible of all necessary publicity of Post 108's fundraising, events, and initiatives. The communications committee shall manage social media accounts, submit town newsletter additions, manage the website, and publish a quarterly Post 108 newsletter.

Section 7. Building & Grounds Committee. The building and grounds committee shall be responsible for the maintenance of and repairs to Post 108's building and grounds.

STANDING RULE 8

USE OF FACILITIES

Section 1. Use of Facilities. Segments of Post 108 may be rented to private parties or utilized for public and membership events. The areas of operation include: Ross-Tayman Hall, Commander's Office, Fireplace Office, Beer Garden, Kitchen, and the Dugout. The 2nd Vice Commander, rental manager, house committee members, and entertainment committee members shall coordinate activities through the house committee chairperson; who maintains an operations calendar. Rental of the Dugout requires a general membership meeting majority vote for approval. No indecent show or exhibition, disorderly gathering, or any conduct detrimental to the integrity of the American Legion and Post 108 shall be permitted.

Section 2. Building Access Control.

(a). Building Key Access Control. Building access shall be regulated by the Post Executive Committee in coordination with the Sergeant-at-Arms. The following positions shall be given general access of the building: Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer, Sergeant-at-Arms, house committee chairperson and/or rental manager, bar manager, building & grounds chairperson, SAL Squadron Commander, and ALA President. The Executive Committee may issue additional accesses by majority vote. The Finance Officer and their elective designee will have access to the finance office.

(b). Building Alarm Access Control. Building alarm codes shall be regulated by the Post Executive Committee in coordination with the Sergeant-at-Arms. The following positions shall be given device

application-based building alarm accesses: Commander, Adjutant/Finance Officer, and Sergeant-at-Arms.

STANDING RULE 9

MEETINGS

Section 1. General Membership and Executive Committee Meetings.

(a). General Membership Meetings. The Regular Membership meetings shall be held on the third Monday of each month, starting at 7:30 p.m.

(b). Executive Committee Meetings. The Executive Committee meetings shall be held on the first Monday of each month, starting at 7:30 p.m.

(c). Rescheduling Meetings. In the event a meeting needs to be rescheduled, the Commander with consent of a majority Executive Committee may reschedule any meeting, given five-days advanced notice to the membership. The Adjutant shall make a good faith effort to notify the membership of the meeting change.

Section 2. Emergency and Special Meetings.

(a). General Membership Emergency and Special Meetings. The Commander or an Executive Committee majority shall have power to call an emergency or special meeting of Post 108 at any time, provided a seven-day notice to the General Membership. The Adjutant shall make a good faith effort to notify the General Membership of the meeting.

(b). Executive Committee Emergency and Special Meetings. The Commander or three members of the Executive Committee may call emergency and special executive committee meetings. Executive Committee emergency and special meeting may be conducted via voice or video conference call.

Section 3. Posted Meeting Minutes. The Adjutant shall furnish the website webmaster with all meeting minutes to be posted accessibly online. Previous meeting minutes shall be accessibly retained online for a minimum of one year.