



**STANDING RULES  
OF  
SPRING BRANCH POST NO. 654, THE AMERICAN LEGION, INC.**

**Background.** Post 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.

**Robert’s Rules of Order.** The American Legion and the Department of Texas utilize Roberts Rules of Order as the established parliamentary procedure. “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.”

**Authority.** 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 654 may give advance notice of a motion on a Rule, and the Chair of the Membership Meeting shall 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 RULES 1 – ELIGIBILITY**

**Section 1. *Application Process.*** Application for new membership or transfer of membership must be made in writing and accompanied by a copy of the applicant’s discharge, separation notice, or proof of active duty.

**Section 2. *Membership Year.*** The membership year is January 1<sup>st</sup> through December 31<sup>st</sup> of each year.

**Section 3. *New Member Initiation Ceremony.*** Once each year, at the discretion of the Post Commander, the Post will conduct an initiation of new member(s) ceremony at a regular meeting.

## STANDING RULES 2 – POST OFFICERS

### Section 1. Elected Post Officers

Commander  
First Vice Commander  
Second Vice Commander  
Third Vice Commander (optional)  
Finance Officer  
Adjutant  
Judge Advocate  
Sergeant-at-Arms

**Section 2. Voting.** Officers as stated in the Constitution – Article V Section 4 is defined as elected officers only.

**Section 3. Appointed Officers.** In accordance with the Post Constitution, Article V Section 2, the Post Commander may appoint the following officers: Historian, Chaplain, Service Officer, Assistant Adjutant, Assistant Finance Officer, and Webmaster. 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 4. Vacancies.** Vacancies for any reason other than death or disability shall be filled in the same manner as prescribed in Article V Section 7 of the Post Constitution.

## STANDING RULES 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  
First Vice Commander  
Second Vice Commander  
Third Vice Commander (optional)  
Judge Advocate  
Adjutant  
Finance Officer  
Sergeant-at-Arms  
Historian  
Chaplain  
Service Officer  
At least two Members-at-Large, plus the outgoing Commander if he/she so chooses.

The Post Executive Committee has the administrative 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 Texas; 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 the Post's affairs; the daily operations of the Post, to include, employment and compensation decisions, and obtaining of insurances as appropriate.

**Section 2. Number.** The number of Post Executive Committee Members-At-Large (MALs) shall at least two (no more than six). Actual number to be determined at the time of the election. There shall be an even number of MAL (two or four or six).

**Section 3. Eligibility.** Any member, other than the officers who are members of the Post Executive Committee (PEC), may serve as a Post Executive Committee Member (PEM).

**Section 4. Executive Committee Member by Rule.** The immediate Past Commander is an ex-officer member of the Post Executive Committee. This position has a voice on all matters but does not have a vote at Post Executive Committee meetings.

**Section 5. Responsibilities and Authority of the Post Executive Committee.** The Post Executive Committee shall meet monthly and is the administrative authority and manages Post in accordance with the Constitution and By-Laws of The American Legion, of the Department of Texas, and on behalf of the Post 654 Membership.

**Section 6. Vacancy in a PEM Office.** A vacancy in an office of the PEM shall be treated as a vacancy in an elected office.

**Section 7. Executive Session.** The Post Executive Committee will enter an executive session to preserve the confidential nature of discussions concerning legal issues, employee issues, disciplinary actions, and contracts or upon the adoption of motion to do so. Anyone other than an Executive Committee member who is allowed to be present during the executive session is honor-bound not to divulge anything that occurred. Any Post member can be punished under the disciplinary procedures for violating the secrecy of an executive session.

**Section 8. Quorum.** For purposes of determining a quorum, only total voting members elected and voting members present shall be used.

**Section 9. Regular Executive Committee Meetings.** Regular meetings of the Post Executive Committee will be held on the first Tuesday of each month at 1900 hours in the Post Home.

#### STANDING RULES 4 – FINANCE

**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.**

a) **The Budget** shall be proposed by the Post Executive Committee at least 60 days before the start of the Post's Fiscal Year, which is July 1 through June 30. The budget shall be the basis of all expenditures within the Post and must be approved by the Post Membership in regular meeting before the beginning of the Fiscal Year.

b) **The Finance Officer** shall make disbursement, any payment for budgeted items, and is hereby permitted to exceed the Post budgeted amount for any line item in the Post Budget by ten (10) percent. All such expenditures in excess of budget line, are considered approved by the Post, but must be reported at 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.

c) **The Canteen Manager** shall make disbursement, any payment for budgeted items or expenditures, and is hereby permitted to exceed the Post budgeted amount for any line item in the Post Budget by 10%. All such expenditures in excess of budget line, are considered approved by the Post, 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. Fiscal Year.** The Post's fiscal year starts July 1 and ends June 30 of the following year.

**Section 4. Committee Budgets.** Committees wishing to have a budget will submit their budgets, no later than August 1, through the Post Finance Officer detailing by category any revenues and expenses for the committee and its initiatives.

**Section 5. Post Budget.** Every year a budget for the Post, approved by the Post Executive Committee, shall be presented by the Post Finance Officer to the Post Membership for approval no later than the September Membership meeting.

**Section 6. Invoices.** Proper invoices should be obtained and submitted for all purchases/contracts involving disbursement of funds. Any disbursement without proper invoice should be supported by using a "Transaction Request Form" for reimbursement of funds. Proper receipts will be needed to document each transaction.

**Section 7. Disbursements.** Upon written approval of the Post Commander and the Post Finance Officer shall make all disbursements for the Post (Section 8 below).

**Section 8. Purchase of Non-budgeted Items.** There are five scenarios for the purchase of nonbudgeted items:

**Small Purchases.** These are purchases below \$2,000.00. The Post Executive Committee may approve these purchases as approved by Post membership. These purchases will be reported to the Membership at the next regular Post Membership meeting.

**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 the demanding circumstances warrant that purchases commence, or contracts be entered without delay. Such 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 Post Membership meeting.

**Purchases Effecting 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. Approval of these purchases shall be reported to the Membership at the next regular Post Membership meeting.

**Major Purchases.** These are non-budgeted purchases that do not qualify under the above listed purchases in Section 6. (a) Major purchases are subject to approval by a majority vote of the Membership at a regular or special Post Membership meeting. While it may be advisable to give notice and have discussion at a Post 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 Post Membership meeting.

**Section 9. *Non-budgeted Items Proposed at Post Membership Meetings.*** Non-budgeted expenses, exceeding \$2,000.00, proposed at a 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 Post Membership meeting following the initial motion. This rule may be suspended with a unanimous vote at any Post Membership meeting.

**Section 10. *Expenditures for Routine Post Operations.*** Budgeted expenditures necessary for the operations of the Post, such as utilities for the Post headquarters, 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 the Post. These payments shall be reflected during financial reporting at regular Post Membership meetings.

**Section 11. *Expenditures for Post Initiatives.*** Subject to the approval of the Post Membership, like all posts of The American Legion, the Post may sponsor on-going activities, such as, but not limited to, sports teams and scouting organizations. The Post may budget such expenses. However, the Post may also support occasional activities, e.g., of a social, patriotic, or fund-raising nature that were not included in the budget. In the case 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 Post Membership meetings.

**Section 12. *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 a contractor (i.e., a value/cost trade off).

**Section 13. Contracting with Members of Post 654 or their Relations.** Contracts with, or compensation for services or supplies from, Members of Post 654 or their relations, are subject to the same restrictions for and considerations on employment in Standing Rules. This does not preclude using volunteer labor of members or their relatives.

**Section 14. Post Operating Account.** The Post's operating account balance shall not exceed \$25,000. Any funds in excess of \$25,000 will be transferred immediately to the Post general account or special designated account.

**Section 15. Check Signatures.** All Post checks must be signed by two officers, the Post Commander and Post Finance Officer. In the event that either is unavailable, the Post First Vice Commander or Post Adjutant can sign in their place. The second signature on checks prepared by the Sons of the American Legion Spring Branch Squadron 654 and Legion Riders Chapter 654 will be by an officer of the Post.

**Section 16. Receipt of Funds.** Any member who receives monies in advance from the Post for a function will return any unused funds and submit a report to the Post Finance Officer detailing how funds were used and attaching all supporting documentation within 72 hours of the function's completion.

**Section 17. Post Donations.** The Post's charitable donations, not contained in the Post budget, are subject to the approval of the Post Membership.

## STANDING RULES 5 - POST EMPLOYEES

**Section 1. Employees of the Post.** An employee of the Post is an employee within the meaning of the guidelines of the State of Texas Department of Labor, Licensing, and Regulation. In short, a Post employee is a person for whom the Post submits income tax reports – other than a Standard Form 1099.

Employees of the Post include:

**Bar Attendants.** Will report to and be responsible to the Canteen Manager. Will be paid on an hourly basis at a rate to be set each year by the Budget Committee.

**Custodial Employees.** Will report to and be responsible to the Canteen Manager. Will be paid on an hourly basis at a rate to be set each year by the Budget Committee.

**Section 2. Interim Staff.** Persons hired to provide interim labor or services shall be paid directly and in accordance with IRS and Texas laws. IRS Standard form 1099 shall be provided.

**Section 3. Employment Authority.** The Executive Committee and the Canteen Manager, jointly, have hiring and discharge authority over employees. This includes setting the qualifications for, and the terms and conditions of, employment along with supervisory and disciplinary authority over Post employees. In case of an unresolved dispute the Post Executive Committee may be consulted to execute a vote to resolve the dispute.

**Section 4. *Employment Considerations.***

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

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

d) **Discharge of Post Employees.** While Texas 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.

**Section 5. *Job Title & Job Description.*** Each employee shall be given a job title and a description of their duties. The manager shall identify position needs and the Post Executive Committee shall work with the manager in producing Job Descriptions for each position.

**Section 6. *Training.*** Each employee shall be afforded required training as stipulated by the State of Texas, including harassment & required safety training. Certified Online & video trainings are available to meet these needs.

**Section 7. *Reporting to Work.*** When specific questions concerning whether or not an employee should report to work or remain at work due to inclement weather or any other unforeseen emergency, each employee will contact and seek instructions from that person to whom he or she reports and is responsible. No salary will be paid to the employee for days and/or hours not worked which have not been previously approved by his or her specific supervisor.

**Section 8. *Annual Employee Position Approval.*** All employees will receive an annual review. This annual review will be prepared in coordination with the Canteen Manager and Post Executive Committee members and approved by the Post Executive Committee. All employee positions are to be filled annually upon recommendation of this committee and final approval given at the Post Executive Committee meeting in September of each year.

**Section 9. *Employee Compensation.*** Individual employee compensation must be held in confidence by the Canteen Manager and Post Executive Committee.

**Section 10. *Other Conditions of Employment.*** All other conditions of employment will be determined annually as follows:

- a) Hours work
- b) Bonus

## STANDING RULES 6 - COMMITTEES

**Section 1. *Building Committee.*** The Building Committee shall have charge of all matters pertaining to the care of the Post building and grounds. The committee shall initiate plans for renovation and structural improvements to the building and present plans to the Post Executive Committee and to the Post membership for approval. The committee shall be authorized to expend up to \$2000.00 for emergency repairs. Emergency repairs are defined as life threatening, safety, major damage to building integrity, or county building code violations precipitating operations shutdown. All minor repairs and/or building expenditures shall be approved as addressed by Article VI of the Bylaws. In addition, a monthly allowance for purchase of routine supplies and maintenance of Post home and grounds in an amount to be determined by the Post Executive Committee is authorized and will not be cumulative. The composition of the committee shall consist of 2 or more Post members, 2 SAL members and 2 ALA members. The committee shall be chaired by a Post member.

### **Section 2. *Activities Committee.***

a) **Composition of Committee.** The Activities Committee shall consist of 2 or more Post members, 2 SAL members & 2 Auxiliary members and be chaired by a Post member, designated, and approved as outlined in Article VI of the Bylaws.

b) **Responsibilities & Limitations.** The Activities Committee shall have full charge of matters pertaining to the scheduling and fulfilling all Post activities. The committee shall retain a monetary amount not to exceed (NTE) \$1,500 for operating expenses. All surplus revenue collected from any activity beyond said amount shall be turned over to the Post Finance Officer after each event, when all expenses are paid. A worksheet breaking down income and expenses for each activity shall be produced and submitted as a report during a Post meeting.

### **Section 3. *Information Technology (IT) Committee.***

a) **Composition of Committee.** The IT Committee shall individuals with relevant experience and consists of 2 or more Post members, 1 SAL member & 1 Auxiliary member and is chaired by a Post member, designated, and approved as outlined in Article VI of the Bylaws.

b) **Responsibilities & Limitations.** The IT Committee shall have full charge of matters pertaining to the oversight of the Post's network, internet, computer, security, and television systems. The IT Committee shall recommend to the Post Executive Committee measures to be taken for the upkeep of the Post's IT including software, computer, and related purchases.

### **Section 4. *Nominating Committee.***

a) **Composition of the Committee.** A Nominating Committee consisting of three (3) members shall be appointed by the Post Commander not later than the regular Membership Meeting of the Post scheduled for March.

b) **Responsibilities & Limitations.** Each member seeking office shall submit their name to the Nominating Committee. The Committee shall determine the eligibility of each candidate for office. The names of the candidates shall be presented at regular Membership meetings of the Post until the election. Additional nominations for each office may be made from the floor at regular Membership meetings of the Post.



## STANDING RULES 7 - POST MEMBERSHIP MEETINGS

**Section 1. *Regular Meetings.*** The regular meetings of the Post Membership will be held on the third Tuesday of each month at 1900 hours in the Post Home, unless otherwise ruled by the Membership.

**Section 2. *Annual Meetings.*** The annual meeting is the regular meeting in June. The purpose of the meeting is to elect officers, executive committee members at large and for any other business that may be properly brought up for action.

## STANDING RULES 8 - DELEGATES TO THE ANNUAL DEPARTMENT CONVENTION

**Section 1. *Per Diem Rate.*** The membership will determine the amount of per diem prior to the election of Delegates. Within 72 hours from the adjournment of the convention, the outgoing Commander will submit a report to the Adjutant indicating the length of time each member of the delegation was in attendance at the convention and the amount of per diem each is to receive.

**Section 2. *Report.*** The outgoing Commander will render a report of the proceedings at the convention to the Membership at a regular meeting and no later than 30 days after the adjournment of the convention.

## STANDING RULES 9 - NOTICES

**Section 1.** In addition to a US Postal Service address for first class mailings required by National & Department, every member shall furnish the Post Adjutant with a valid email address if available & provide the Post Adjutant with updates or changes of same. If provided, the email address will be utilized to inform members of important issues including required notices (e.g., notices for elections), thereby keeping costs down. Otherwise, a member who does not provide an email address will be responsible for obtaining information by monitoring postings on the Post bulletin boards, reading the Post monthly newsletter or receiving notices via telephone.

## STANDING RULES 10 - CANTEEN RULES

**Section 1.** All persons entering our Legion Home shall obey the posted existing House Rules.