

Annex “A”, JOHN M, WEST AMERICAN LEGION POST408, BOARD OF GOVERNORS  
OPERATING PROCEDURES



**JOHN M, WEST AMERICAN LEGION POST408 DERBY – HAYSVILLE  
THE AMERICAN LEGION, DEPARTMENT OF KANSAS  
BOARD OF GOVERNORS OPERATING PROCEDURES**

**ARTICLE 1.**

These operating procedures outline the **Club Room**, Board of Governors and manager duties (Club Room herein after referred to as canteen) rules.

**ARTICLE 2.**

**Authority:**

The Board of Governors (herein after referred to as The Board) shall derive its' authority from the American Legion Post 408 Bylaws Article II, paragraph K, sub-paragraph (i). It shall oversee the daily operations of the Post canteen / public meeting facilities. They shall operate by and under the direction of the same and in accordance with the state of Kansas Alcohol Beverage Control rules, 41-2601, 41-2605, 41-2610, 41-2614 pertaining to Class “A” Clubs. The board members must become familiar with these rules in order to operate effectively.

- a. The board members will be structured as outlined below:
  - i. From the American Legion
    - a. Board Member 1 Year
    - b. Board Member 2 Year
    - c. Board Member 3 Year
  - ii. One of the three Legion board members will be a member of the American Legion Riders Chapter 408

- iii. Chairman, Board of Governors can be selected from any of the of the 4 entities represented provided they are members in good standing. He /She will be selected by majority vote of the Board of Governors and affirmed by the Legion membership.
  - iv. Should the Chairman relinquish his or her position, the replacement for the Chairman will be the Co-Chairman once affirmed by the Legion membership and remain in office until the next annual election.
  - v. The Co-Chairman can be selected from any of the 4 Entities represented providing they are members in good standing.
  - vi. The Secretary can be selected from any of the 4 Entities represented providing they are members in good standing.
  - vii. The Finance Officer can be selected from any of the 4 Entities represented providing they are members in good standing.
  - viii. All Legion board members selected by membership serve progressively for 1-, 2-, and 3-year terms.
  - ix. Any board member who misses three (3) consecutive Board of Governors Meeting can be removed by majority vote of Board members. Replacement to the board will be the responsibility of the entity for which they represent.
- b. From the American Legion Auxiliary Unit 408
    - i. Board Member 1 Year
    - ii. Board Member 2 Year
    - iii. Board Member 3 Year
    - iv. One of the three Auxiliary members will be a member of the American Legion Riders Chapter 408
  - c. From the Sons of the American Legion Squadron 408
    - i. Board Member 1 Year
    - ii. Board Member 2 Year
    - iii. Board Member 3 Year
    - iv. One of the Sons of the American Legion members will be a member of the American Legion Riders Chapter 408
  - d. The Board of Governors are answerable to the Post Executive Committee between regularity scheduled business meeting and to the John M. West American Legion Post 408 membership.
  - e. All board members selected by their respective entities must be members in good standing. Their voices are intended to be strong, loud and be, consistent with the Constitution and By Laws of their respective entities and established laws and regulations of the State of Kansas Alcohol Beverage Control Rules. If there is any conflicts between entities' Constitution and By Laws the John M. West, American Legion Post 408 Constitution and By Laws shall prevail.

### **ARTICLE 3. RESPONSIBILITY:**

The Board members' responsibilities are defined as performing all management functions related to the canteen operations. These functions include establishing policies, planning, directing, controlling, and staffing as necessary to ensure economic stability and enforcement, subject to membership approval. Specifics are enumerated below.

- a. Collection of all monies received from;
  - i. The sale of food, beverages, and sundries unless such sale is part of a special post function, (i.e. Burger burns, pancake breakfast, etc.).
  - ii. Monies received from coin operated devices.
  - iii. Monies received from any games on which there is a charge.
  - iv. Monies received from rental of the facilities.
  - v. Special assessments for a specific purpose that falls under the Board's jurisdiction (i.e. dance admission, cover charge etc.).
  - vi. The Board may designate a committee/designee to collect certain monies.
- b. The Board will establish the cost of all goods sold by the canteen and may change these costs, as required to maintain the health of the canteen.
- c. The Board will establish a canteen account in the name of John M. West, American Legion Post 408 with the bank associated with the John M. West, American Legion Post 408. This account shall be overseen by the American Legion Finance Officer who will be one of three signatories on the account. All checks written on this account will require two signatures. This account is authorized to utilize a debit card in any business transactions. The custodian of the card shall be the Board of Governor's finance officer.
- d. The board will ensure that at no time will any two members of the same family or household be signatories to any financial documents or transactions within the Canteen Account.
- e. The Board has oversight responsibility for:
  - i. Payment of all utilities of the post home/canteen. Payment of all rents/mortgages associated with post home.
  - ii. Payment of all Canteen/post home repairs, except for major repairs/renovations (i.e. roof replacement etc.). These expenses shall be equally funded by the Legion and entities residing within the Post Home.
  - iii. The purchase of supplies and materials including food, beverages and sundries is necessary to operate and maintain the canteen.
  - iv. Procurement and payment of special services and permits including the canteen liquor licenses (state and city).
  - v. Payment of any special expenses which may be legally contracted for by the canteen (i.e. tax consultant, etc.).
  - vi. Payment of canteen employee's salaries, employee related taxes and bonds as required unless said employees are contract labor or community service workers.
- f. The Board shall meet monthly, prior to the regularly scheduled Legion meeting to review the end of month financials, develop a statement and report the same at the next regularly scheduled Legion meeting. The statement must contain total monthly sales, utilities cost, wages, beverage and food costs, all expenditures and profit/loss.

#### **ARTICLE 4.**

##### **Operating Capital:**

The Board will maintain adequate monthly funds for the operation of the canteen and payment of debts. The amount of money in this fund shall be determined by the Board of Governors with interim approval by the Post Executive Committee and final approval of

membership at a regularly scheduled meeting and can be amended by the same.

- a. The established canteen account will be equal to one month's reserve plus one-month operating capital. The Board of Governors will review, and revise estimated monthly operating expenses bi-annually, every January and July, and presented to the executive committee and membership for approval.
- b. The established canteen account will maintain an additional \$2000 to be used by the Canteen Manager, with the Board of Governors' approval, for emergency repairs and maintenance.
- c. All funds more than (a) and (b) above will be transferred to the American Legion Post 408 and place in an Earmark for Canteen Surplus Funds.
  - i. Said funds shall be used for building repairs, maintenance, special projects, expansion, and operating expense shortfalls.
  - ii. The Post Executive Committee shall have the authority to spend up to \$5000 from said Earmark for repairs and maintenance exceeding funds available in Canteen Account. Said expenditure will be reported to membership at next regularly scheduled business meeting.
  - iii. Exception to the \$5000 will exist in case of emergency i.e., structural repairs endangering the safety of the building or its occupants.
  - iv. Such expenditure will be approved via the convening of an emergency Legion Executive Committee meeting.
- d. Should an instance arise whereby the canteen account is insufficient to meet all required financial obligations the Legion Family will:
  - i. Assume responsibility for.
    - i. Shortfalls in monthly operating expenses
    - ii. Cost of needed repair and/or maintenance.
  - ii. Required funds are to be taken from the Canteen Surplus Funds Earmark.
  - iii. Should insufficient funds be available in the Canteen Surplus Funds Earmark then the shortage will be equally proportioned at 25% each amongst the Legion entities (ALA, SAL, ALR and Legion)

## **ARTICLE 5. JURISDICTION:**

The Board of Governors has jurisdiction over all canteen and special functions.

- a. The Board will establish a process and cost of use for material items (i.e. tableware, utensils, etc.) and for scheduling rental use of the rooms (banquet and meeting) for special occasions. The cost will be determined by the Board of Governors with interim approval by the Post Executive Committee and final approval of membership at a regularly scheduled meeting and can be amended by the same.
- b. When rooms are rented for special occasions, the Board will ensure an individual from the Board, manager (if employed) or a post officer shall be present. Post officer can be from The American Legion, the American Legion Auxiliary or the Sons of the American Legion of the John M. West, American Legions Family Post 408.

## **ARTICLE 6**

### **CANTEEN MANAGER**

The Board of Governors may employ a canteen manager who works under the supervision of the Board Chairman. Perspective candidates for a Canteen Manager or Assist Canteen Manager must meet the criteria set forth by the Board of Governors and have the approval of the Post Executive Committee as per Article X, paragraph C, of the John M. West, The American Legion, Post 408 Constitution.

- a. Managerial duties are.
  - i. Supervise the activities of canteen employees and assign duties as required.
  - ii. Set working schedules and hire or terminate employees with the Board's knowledge and approval. An employee who feels they were terminated unfairly may file a grievance under ARTICLE 9 of this procedure.
  - iii. The manager is responsible for the cleanliness of the Post Home, this includes the Canteen, kitchen, walk in cooler(s), pantry and bar and bar area, all common use areas to include banquet hall, Meeting Hall, Rest rooms, etc., clean up (policing) of outside areas, mowing of grass areas and maintenance of shrubs/flower beds. It is imperative that an attractive appearance of the post home be maintained. The Board will ensure that the required equipment is purchased or rented to accomplish these tasks. The manager will report any equipment breakdown or necessary replacement to the Board in a timely manner.
  - iv. Routine repairs to the post home should have minimum of (2) bids prior to performing the work. Emergency repairs will be brought forward to the Board Chairman immediately and do not require (2) bids when time is of the essence.
  - v. Ordering or procuring all required supplies necessary for the operation of the canteen and kitchen. Maintain records and files including but not limited to inventories of food, cleaning supplies, alcoholic and non-alcoholic supplies and sundry items (i.e. chips, nuts, snacks, etc.).
  - vi. Make bank deposits as required to maintain an adequate fund available to operate the canteen and to keep a minimum amount of cash on hand for daily operation.
- b. Should the Board recommend, and membership approve paid or contract employees, starting compensation will be; (pay rate changes by membership approval)
  - i. A manager's basic pay will be determined by the BOG, not to exceed \$20.00 per hour, without membership approval. paid by-weekly. If food and alcoholic beverage sales profit margin are above 28% a bonus of 10% of profit above 28% will be added monthly.
  - ii. The Assistant Manager's basic pay will be determined by the BOG not to exceed \$15.00 per hour, without membership approval, paid by- weekly. If food and alcoholic beverage sales profit margins are above 28% a bonus of 5% of profit above 28% will be added monthly.

- iii. Bartenders will be paid \$30.00 per shift plus tips, if more than one bartender on duty together tips may be shared.
- iv. Waitresses/waiters will be paid \$20.00 per shift plus tips. Tables will be assigned and rotated to assure equality of tips. Tips are not required to be shared but, may be shared if those individuals choose to do so.
- v. Kitchen staff compensation will be discussed by the Board or manager at time of hire and approved by the membership.

## **ARTICLE 7 RULES OF CONDUCT**

The Board of Governors shall establish rules of conduct for patrons and employees and are approved through membership vote at regularly scheduled meetings of members present. These rules may be changed as needed through the same process. The Board will decide what machines or games are allowed into the canteen and will provide the necessary equipment for their use.

- a. No person under the legal drinking age established by the State of Kansas will be allowed to consume any alcoholic beverage including beer.
- b. All persons utilizing the canteen must present proper identification upon request of management, or law enforcement.
- c. Minors are admitted when accompanied by a parent/guarding/chaperone who is responsible for that minor's conduct.
- d. Minors are not allowed to "run loose" or play in the canteen at any time.
- e. Minors are not allowed to stand at, sit at or go behind the bar at any time.
- f. Unless expressly given permission by canteen management or the on-duty bartender **NO PERSONS ARE AUTHORIZED BEHIND THE BAR.**
- g. Inflammatory or other such language which could offend or incite feelings of anger or resentment in others will not be tolerated in the canteen at any time.

## **ARTICLE 8 ADMITANCE TO THE CANTEEN**

Legion family members with current membership cards and their guests will be admitted. Membership cards must be shown upon request of management or bartender (Ref KSABC 41-2610).

- a. Loaning of membership cards is strictly forbidden and if falsely presented will be confiscated and forwarded to the Board for disposition.
- b. Guests are admitted in accordance with the laws of the Kansas Alcohol Beverage Control Board for a Class A club Ref KSABC 41-2610).
- c. Patron attire is up to the discretion of the person in charge of the canteen at any particular time subject to;
- d. Attire must be clean and in good repair.
- e. No one will enter or remain barefoot or shirtless at any time.
- f. Patrons should exercise good judgement on choice of clothing in keeping with the time of day and activities occurring when attending the canteen. **USE COMMON SENSE.**
- g. Patrons will not be served alcoholic beverages (including beer) when in the bartenders' opinion that patron(s) has become too intoxicated or is incapable of

- appropriate conduct.
- h. Patrons are expected to conduct themselves in an adult manner and maintain proper decorum and respect for others.
  - i. The bartender on duty is authorized to call police to effect the removal of patrons when they refuse to leave upon request and other methods have failed.
  - j. Fighting in the canteen, on post property or the contiguous areas cannot be tolerated. Participants will be refused canteen privileges pending action by the Board and membership through the grievance procedure.
  - k. Employees (including contract) will adhere to all of the patrons requirements as well as;
  - l. Employees will report for work presenting a neat and clean appearance.
  - m. They should strive to present an inviting pleasant atmosphere, providing good and courteous service in as timely a manner as possible.
  - n. No employee will report for work while under the influence of alcohol or drugs including prescription drugs.

## **ARTICLE 9 GRIEVANCE PROCEDURE**

Grievances received from members, patrons or employees shall be managed as follows.

- a. Individual making the grievance submits in writing within 2 business days of the occurrence to the Post Commander with the phrase **“GRIEVANCE COMPLAINT”** on the outside of the envelope. **ONLY THE POST COMMANDER SHALL OPEN THIS ENVELOPE!** Under no circumstance will this be opened by any other individual, with the exception of the 1<sup>st</sup> Vice Commander should the commander be unavailable. The commander shall notify the offender(s) receipt of the grievance. The written complaint must contain the individual’s name, address and phone number, date, approximate time, a list of witnesses or person (s) involved and a description of what occurred or nature of complaint. After review and within 2 business days the commander shall forward the complaint with the commanders’ comments (if any) to the Board under strict security.
- b. Any grievance complaint will be handled in strict confidence throughout this process.
- c. The offending individual(s) will be notified by the Board of the grievance and the impending grievance process. They will be encouraged to present themselves and any witnesses they have before the Board within those 7 business days.
- d. The Board will, within 2 business days of receiving the grievance, review the complaint. Within 7 business days they will interview all parties including offenders and all witnesses and render their recommendations to the Executive Committee of John M. West American Legion Post 408.
- e. The Executive Committee will review and report to full membership of John M. West, American Legion Post 408 for disposition pursuant to Article IV Section 5 of the Constitution and By Laws of the John M. West, American Legion Post 408. The decision of the membership will be documented in letter form, jointly signed by the post commander and chairperson of the Board and delivered via certified / registered mail to the offending party / parties. Notice of suspension (if warranted) becomes effective immediately and will be sent by certified mail.

## ARTICLE 10 HOURS OF OPERATION

The Board shall establish and conspicuously post operating hours of the canteen and may change said hours from time to time as patronage may dictate for the betterment of the canteen's economic condition.

- a. As required by the State of Kansas Alcohol Beverage Control Board for Class A club operations "last call" will be given (announced) 30 minutes before closing.
- b. No alcoholic beverages will be served between the hours of (0200-0600 hrs.) 2:00 & 6:00 a.m. on any day per Kansas Alcohol Board Control Rule 41-2614.
- c. These operating procedures were presented to and approved by the voting members of the American Legion Post 408 at a regularly scheduled meeting this the 5th\_day of October 2023.

*Stephen E. Tackett*

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Stephen E Tackett  
American Legion Post 408  
Commander

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### DEFINITIONS

**Board of Governors;** Responsible for management of the club room, dining room and kitchen operations including all necessary equipment to operate the same. They are not responsible for operation of the post home that falls to the executive committee per Article II, paragraph K, sub-paragraph (i) of the post bylaws.

**Club Room;** bar, canteen

**Dining room;** exhibition hall, Banquet room

**Kitchen;** galley

**Whenever the "canteen" is addressed in this procedure the intent is to include the dining room, kitchen and associated equipment.**

Revised 5-5-2021, Approved by membership

Revised 9-2-2021, Approved by membership

Revised 11-3-2022, Approved by membership

Revised 12-7-23, Approved by membership