



JOHN M. WEST, THE AMERICAN LEGION POST DERBY – HAYSVILLE KANSAS DEPARTMENT OF THE AMERICAN LEGION BYLAWS

ARTICLE I NAME

The name of this organization shall be John M. West, The American Legion, Post 408, Derby-Haysville, The Kansas Department of The American Legion.

ARTICLE II POST ORGANIZATION

A. Officers; Nomination, Election and Installation;

- a. Post Officers may be elected or appointed as membership may determine.
 - i. Annual Post elections shall be held at a regular meeting not more than sixty days nor less than fifteen days prior to the Department Convention and said Post Officers shall be installed prior to the Department Convention.
 - ii. All vacancies in Post offices shall be filled in a manner to be determined by John M. West, The American Legion, Post 408 and shall hold office for the unexpired term.
- b. The officers of John M. West, The American Legion, Post 408, Derby-Haysville, shall be as follows: Commander; Vice Commander; Second Vice Commander,

Adjutant; Finance Officer; Sergeant-at-Arms, Assistant Adjutant, Service Officer, Judge Advocate, Historian, Chaplain and the 3 Executive Committee as provided by Article VIII, Section 4 of the John M. West, The American Legion, Post 408, Derby-Haysville Constitution.

- c. Officers of John M. West, The American Legion, Post 408, Derby-Haysville, shall be elected annually by the Post membership with the exception of the Assistant Adjutant, Service Officer, Historian, Chaplain, and the Post Judge Advocate, whose appointment is provided for in Article VIII, paragraph E, of the John M. West, The American Legion, Post 408, Derby-Haysville Constitution.
- d. The Post Assistant Adjutant, Service Officer; Chaplin, Judge Advocate and Historian shall be appointed by the Post Commander, subject to confirmation of the John M. West, The American Legion, Post 408, Derby-Haysville, membership and shall serve during the term of said Commander, or at the Commander's pleasure.
- e. All Elected and Appointed Officers shall assume the duties of their respective offices immediately upon election and installation and shall hold said office until their successors are duly installed.
- f. All officers elected shall orally, if present, and if absent, in writing, declare upon their honor that they will maintain the Constitution of John M. West, The American Legion, Post 408, Derby-Haysville, conform to its Bylaws and rules and use their best endeavor to promote its objectives and advance its interests.
- g. Any officer who shall neglect or improperly perform the duties incumbent upon him/her shall be expelled by a vote of three-fourths of the membership present for voting after proper notice and hearing. (see Annex "B")

B. Officers; Duties and Responsibilities: The duties of Post Officers shall be similar to the duties of the corresponding Department Officers insofar as is practical. Post delegates to the Annual Department Convention shall be elected at least fifteen days prior to such convention, and the Post Adjutant shall immediately thereafter notify the Department Adjutant giving the names of such delegates.

a. POST COMMANDER: (Elected by majority vote of membership)

- i. The Post Commander shall be the chief executive officer of the Post.
- ii. Shall preside at all meetings of the Post in regularly scheduled business meetings and the Post Executive Committee,
- iii. Shall have general supervision over the business and affairs of the Post
- iv. Shall approve all orders directing the disbursement of funds
- v. Shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year
- vi. To enforce a strict observance of the Constitution and Bylaws
- vii. To perform such other duties as custom and parliamentary usage require
- viii. To appoint all officers on committees not otherwise provided for.
- ix. He shall perform such other duties as directed by the Post.

b. VICE COMMANDER: (Elected by majority vote of membership)

- i. Shall, when called upon, assist the Commander

- ii. In the Commander's absence, perform those duties as prescribed in these Bylaws
- iii. Shall succeed to that office in the event of the Commander's death, resignation or removal.
- iv. Shall chair the membership committee.
- c. **POST ADJUTANT: (Elected by majority vote of membership)**
 - i. Record, publish and maintain transcripts of the minutes of each meeting of John M. West, The American Legion, Post 408, Derby-Haysville within fifteen days after the adjournment of each meeting.
 - ii. Maintain a copy of the post constitution and Bylaws, and other rules and regulations of the Post.
 - iii. Maintain copies of all official letters.
 - iv. Maintain books in which shall be recorded the names and military record of all persons who have been declared ineligible for membership in the Post, and also of those members who have been expelled from the Post, together with the reason thereof.
 - v. Shall maintain these books and records in readiness for inspection by the Department Executive Committee, to care for the archives of the Post, and to give due notice of all meetings, to conduct the correspondence of the Post, and to notify the Commander from time to time as they may occur, of applications, withdrawals, admissions, rejections, suspensions, expulsions, resignations, restorations, and deaths.
- d. **POST FINANCE OFFICER: (Elected by majority vote of membership)**
 - i. Shall oversee the collection of all money belonging to the Post, receipt therefore and account for the same.
 - ii. Shall obtain a bond in such an amount estimated to be twice the amount of the funds likely to come under his/her control as determined by the Post Executive committee. No bond is to be less than \$200,
 - iii. The premium for said bond shall be equally borne by The American Legion Post 408, The Sons of the American Legion Squadron 408 and The American Legion Riders Chapter 408
 - iv. Shall maintain liability insurance in an amount determined by the Post Executive Committee.
 - v. The premium for said liability insurance shall be determined on a per capita basis, according to membership size as of June 1st of each calendar year, The American Legion Post 408, The American Legion Auxiliary Unit 408, The Sons of the American Legion Squadron 408 and The American Legion Riders Chapter 408.
 - vi. Shall maintain Building insurance in an amount determined by the Post Executive Committee and the insurance carrier.
 - vii. The premium for said liability insurance shall be shared equally amongst The American Legion Post 408, The American Legion Auxiliary Unit 408, The Sons of the American Legion Squadron 408 and The American Legion Riders Chapter 408.

- viii. Shall oversee the payment of all vouchers countersigned by the Commander or Vice Commander, and none other, and shall retain these vouchers.
- ix. Shall keep account of the receipts and expenditures, making a monthly report reflecting the fiscal year of the Post thereof to the Post Membership.
- x. Shall maintain all accounting records for a period of 5 years.
- xi. Shall verify that at no time will any two members of the same family or household be signatories on any financial documents or transactions within the American Legion, the American Legion Riders or the Sons of the American Legion or the Canteen Account.

e. Sergeant at Arms: (Elected by majority vote of membership)

It shall be the duty of the Sergeant-at-Arms to preserve order at the meetings of the Post as prescribed by the Commander.

f. POST SERVICE OFFICER (PSO): (Appointed by Post Commander)

- i. The purpose of the PSO is to be an initial point of contact regarding veteran issues by providing veterans in the community where the post is located with basic information and assistance, including referral as directed by the Department Service Officer (DSO).
- ii. It isn't necessary for the PSO to be an expert in veterans' law or benefits. What is important is for the PSO to have a strong desire to assist veterans.
- iii. Given both the volume of regulations and the technical nature of the benefits process, the PSO should coordinate his/her efforts to assist a veteran or dependent with an accredited American Legion service officer, according to the customs of his or her department.
- iv. Serves at the leisure of the Post Commander.
- v. Term of office shall be a period of 1 year unless reappointed by incoming commander.

g. Post Historian: (Appointed by Post Commander)

- i. It shall be the duty of the Historian to prepare for posterity the records of the Post.
- ii. The Historian shall collect from year to year all records and data of value and interest for the Post and shall compile during their term of office a complete history of the year's activities.
- iii. Serves at the leisure of the Post Commander.
- iv. Term of office shall be a period of 1 year unless reappointed by incoming commander.

h. CHAPLAIN: (Appointed by Post Commander) It shall be the duty of the Chaplain to offer prayer at the opening of each day's business and perform such other duties as the Commander may direct.

- i. Serves at the leisure of the Post Commander.
- ii. Term of office shall be a period of 1 year unless reappointed by incoming commander.

i. JUDGE ADVOCATE: (Appointed by Post Commander)

- i. Judge Advocate shall be the legal adviser to the Post Commander, it's membership and the Post Executive Committee

- ii. Shall perform such other duties as the functions of his office may require.
 - iii. Shall act only in an advisory capacity.
 - iv. Has no authority not specifically granted by the Post membership on a case by case basis.
 - v. Serves at the leisure of the Post Commander.
 - vi. Term of office shall be a period of 1 year unless reappointed by incoming commander.
- j. **Delegates: (Elected by majority vote of membership)** Delegates and alternates to a District or Department Convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least 15 days prior to the date of such convention.
- k. **The Board of Governors: (Elected by majority vote of membership)**
- i. The board of Governors shall, in accordance with Annex “A” 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.
 - ii. The board members will be structured as outlined below:
 - 1. From the American Legion
 - a. Board Member 1 Year
 - b. Board Member 2 Year
 - c. Board Member 3 Year
 - 2. One of the three Legion board members shall be a member of the American Legion Riders Chapter 408
 - 3. Chairman, Board of Governors will be selected from the Board members by majority vote of elected Board of Governors and affirmed by Legion membership.
 - 4. Should the Chairman relinquish his or her position, replacement for the Chairman will be affirmed by Legion membership.
 - 5. All Legion board members selected by membership serve progressively for 1, 2, and 3 year terms.
 - iii. From the American Legion Auxiliary Unit 408
 - 1. Board Member 1 Year
 - 2. Board Member 2 Year
 - iv. From the Sons of the American legion Squadron 408
 - 1. Board Member 1 Year
 - 2. Board Member 2 Year
 - v. 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.
 - vi. 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.

1. **POST EXECUTIVE COMMITTEE: (Elected by majority vote of membership)**

- i. Shall exercise the power given it by the Constitution.
- ii. Shall have general supervision and control over all property belonging to John M. West, The American Legion, Post 408, Derby-Haysville.
- iii. Any member of the Post Executive Committee, except ex-officio members, may be removed by the said Executive Committee from office, for just cause, by the three-fourths vote of all members of said committee, the member sought to be removed not voting; however, should there be charges preferred involving same offense against more than one member in the same removal proceeding, then all members, including those against whom charges are preferred, shall vote; *Provided*, thirty days' notice in writing shall be given the member or members sought to be removed before such vote for removal shall be taken.
- iv. Absence without justifiable cause from two consecutive, regularly called meetings of the Post Executive Committee shall be deemed sufficient cause for the removal from office of such member of the Post Executive Committee.
- v. It shall be the duty of the Post Commander to fill any vacancy occurring in the Post Executive Committee and the members appointed shall be ratified by the Post membership at the next regularity scheduled business meeting. Appointed officer filling such vacancy shall hold office until the next scheduled Post elections.

C. **Committee and Sub Committees;** The Commander shall recommend to the general membership, for its ratification, the appointment of members to all Post Standing Committees.

- a. There shall be the following Post Standing Committees: Baseball; Boys State; Cadet Law Enforcement Academy; Children and Youth/Child Welfare Foundation; Golf; Legion Riders; Media and Communications; Membership; POW/MIA; Scholarship and Oratorical; School Awards, Flag Education; The Sons of The American Legion; and Veterans Affairs and Rehabilitation.
- b. The Post Commander is empowered to name special committees to perform specific duties, however such special committees shall be disbanded when its duties are fulfilled and shall automatically be terminated with the election of a new Post commander unless reappointed by the incoming Post Commander.

**ARTICLE III
MEMBERSHIP**

- A. **ELIGIBILITY** John M. West, The American Legion, Post 408, Derby-Haysville shall be responsible for the eligibility of its members and shall accept membership only after a thorough investigation of the applicant's eligibility. (Article "V Section 1 of John M. West Constitution.)
- B. **Reinstatement of Membership.** Any member who's membership has been suspended or forfeited may be reinstated to active membership in good standing by vote of the Post

and payment of current dues for the year which the reinstatement occurs: *provided however*, that the Posts, Department, and National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

C. TRANSFERS:

- b. Transfer of members in good standing from one Post in The Kansas Department of The American Legion, may be made at any time: *provided*, such transfer be made in accordance with the National Constitution and Bylaws, and rulings of the National Executive Committee.

D. PROCESSING NEW MEMBERSHIP It is the responsibility of the Post Adjutant to process all new membership application. Procedures are as follows

- a. Receive application, dues and a copy of their DD214 or notice of separation
- b. Within 15 days of receipt of a members dues the following must occur.
 - i. Dues are to be collected and given to Finance Officer for deposit.
 - ii. Membership cards are to be completed, signed by the Post Adjutant and given to member.
 - iii. At American Legion. Org enter member info under add new member in Process Membership data base.
 - iv. Enter member information on roster and mark them paid.
 - v. Sign and mail membership card, welcome letter and a blank application to member
- c. File DD214 or notice of separation

E. PROCESSING RENEWALS

- a. All membership dues are to be collected and given dues to Finance Officer for deposit
- b. Within 15 days of receipt of a members dues the following must occur.
 - i. Dues are to be collected and given to Finance Officer for deposit.
 - ii. At American Legion. Org enter membership information in Process Membership on National data base
 - iii. Enter member information on roster and mark them paid.
 - iv. Sign and mail membership card, welcome letter and a blank application to member
- c. Kansas Life Member;
 - i. Complete National and Department sections of member card and mail both sections to Department with Dues Transmittal and Transmittal Report
 - ii. Sign member card and mail to member with thank you letter and a blank application
 - iii. Check Members Renewed Online on American Legion. Org officers sign in page regularly (everyday recommended)

*To use data base go to American legion.org, sign in under officer sign in, click on Process Membership, click on edit. For new members click on add new member and complete

information, click save. For renewals enter membership number and click on members name, click on the year below. When done with all entries for that day click submit'

ARTICLE IV ORDER OF BUSINESS

A. Meetings:

- a. The regular meetings of the Post shall be held at the Post Home, or a location known and conveyed to the membership, at least once a month, at which may be transacted such 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.
- b. The Post Commander, or a majority of the Executive Committee, shall have power to call a special meeting of the Post at any time.
- c. Upon the written request of 10% of the general membership, the Executive Committee shall call a special meeting of the Post.
- d. Ten members, of which five must be officers, shall constitute a quorum.

B. Dues: John M. West, The American Legion Post 408, Derby-Haysville will prescribe its local dues in addition to the stated National and Department dues.

C. Constitution and By Laws

- a. John M. West, The American Legion, Post 408, Derby-Haysville shall adopt a Constitution and Bylaws which are consistent with the National and Department Constitution and Bylaws.
- b. Post Constitution and Bylaws must be filed with the Department Adjutant at Department Headquarters.
- c. Any amendments made to the Post Constitution and Bylaws must be forwarded to the Department Adjutant at Department Headquarters within ten (10) days following the effective date of such amendments.
- d. Any items not specifically covered by the Post Constitution and Bylaws shall be considered to be governed by the "Suggested Department or National Constitution and Bylaws
- e. The resolution of any question, problem or other matter referred to the Department concerning a Post's Constitution or Bylaws will be determined by reference to the copy of said Post's Constitution and Bylaws together with any subsequent amendments filed at Department Headquarters.

D. DISCIPLINE: Members may be suspended or expelled from membership in The American Legion upon proper showing of cause by a three-fourths vote of the membership of the Post present and voting.

- a. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion.

- b. All charges must be made under oath, in writing by the accusers, and no member in good standing shall be suspended or expelled until given a fair trial in such a manner and upon such notice as may be prescribed by the Constitution and Bylaws of this Post.
- c. Any member who has been suspended or expelled pursuant to this section and the procedure provided by this Post, shall have the right to appeal such suspension or expulsion to the Department Executive Committee.
- d. The decision of the Department Executive Committee shall be final.
- e. See (Annex B) for further details.

E. Removal of Elected Officers:

- a. Any officer may be removed from office for just cause by three-fourths vote of the membership of the Post present and voting, Provided;
- b. Written charges against any such officer are first made under oath in writing by five members
- c. Must be filed with the Adjutant or Commander
- d. Thirty days' notice thereof in writing is first given to said officer before such vote for removal from office shall be taken
- e. *And provided further* that fifteen days' notice of such hearing shall be given to each member in good standing in said Post.
- f. The accused shall be given the right to appear at said hearing in person and by counsel and present a defense to said accusation.

**Article V
Resolutions**

All resolutions, of state or national scope, presented to this Post by a member, or reported to this Post by a committee, shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

**Article VI
Notices**

- A. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.
- B. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

**Article VII
Rules of Order**

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

Article VIII

Limitations of Liabilities

This Post shall incur, or cause to be incurred, no liability nor obligations whatsoever which shall subject to liability any other Post, subdivision, group of men, members of The American Legion, or other individuals, corporations or organizations.

Article IX Properties

Real estate properties to be obtained or disposed of by Post 408 shall be approved at a regular Post meeting by a vote of two-thirds of the members of said Post attending the regular meeting, provided that the proposed transaction shall have been submitted in writing, to include electronic notification, and read at the next preceding regular meeting of said Post; and provided, further, that written notice shall have been given to all members at least 15 days in advance of the date when such transaction is to be voted upon, notifying said members that at such meeting, a proposal to obtain or dispose of real estate properties is to be voted upon. The vote, in all cases, shall be by secret ballot.

Amended 10-7-2021

Amended 12-7-2021

Bryan L Page
Commander