

**BY-LAWS OF HOWARD L. TURNER POST 276
AMERICAN LEGION DEPARTMENT OF MARYLAND**

ARTICLE I: NAME

SECTION 1: This organization is to be known as Howard L. Turner Post 276, Inc., of the American Legion, Department of Maryland (the Post), 8068 Quarterfield Road, Severn, Maryland, 21144.

SECTION 2: The objectives of the Post are as set forth in the Constitution.

ARTICLE II: MANAGEMENT

SECTION 1: The government and management of the Post are entrusted to the Executive Committee. The Executive Committee shall have oversight of all Post activities. The ultimate responsibility and authority for the expenditure and commitment of Post funds resides with the Executive Committee.

SECTION 2: The Executive Committee shall consist of the duly elected Post Officers and Executive Committeemen, Officers appointed by the Commander, and the immediate Past Commander. The Post Commander shall chair the Executive Committee. Newly elected Officers will take office immediately upon installation. Such installation shall occur no later than 30 days after the Post General Election. Appointed Officers may assume office immediately upon appointment. The number of Executive Committeemen, who will represent the membership to the Executive Committee, will be based on the membership of the Post according to the following chart:

0-150 members = 1 Committeemen			
151-250	“	2	“
251-350	“	3	“
351-450	“	4	“
451-550	“	5	“
551-650	“	6	“
651-750	“	7	“
751-850	“	8	“
851-950	“	9	“

SECTION 3: The Executive Committee shall meet for organization and other business at the call of the Commander within ten days after the installation of the new officers. Thereafter it shall meet once each month, and as the Commander may deem necessary. The Commander shall call a meeting of the Executive Committee upon the joint written request of three or more of the committee's members.

SECTION 4: A quorum for any Executive Committee meeting shall consist of a majority of its members.

SECTION 5: Any member in good standing of the Post, the Sons of the American Legion and the Auxiliary may attend any Executive Committee meeting; however, only members of the Executive Committee have the power to vote.

SECTION 6: The Executive Committee shall act as a disciplinary committee in all cases concerning the Post. Form and procedure to be followed in accordance with Department Constitution and By-Laws. (SEE ARTICLE XVIII: Discipline of Post Members)

ARTICLE III: DUTIES OF OFFICERS

SECTION 1: Post Commander. As chief executive officer, the Post Commander shall preside at all Post meetings, supervise Post business, approve all funds disbursement with the concurrence of the Executive Committee (with the exception of normal operating expenses and emergency expenditures) and sign all correspondence. He/she shall vote only in the event of a tie. The Post Commander shall chair the Executive Committee.

SECTION 2: First Vice Commander. The First Vice Commander shall assume the duties of the Commander in the absence of, or when called upon by, the Post Commander. He/she shall have as his/her first priority, the maintenance, and growth of the Post membership.

SECTION 3: Second Vice Commander. The Second Vice Commander shall assume the duties of the Commander in the absence of the Commander and the First Vice Commander, or when called upon by the Post Commander. He/she shall have the responsibility of directing all matters pertaining to the Post Hall, including Hall Rentals, Bingo and Post Social Events.

SECTION 4: Third Vice Commander. The Third Vice Commander shall have as his first priority all matters pertaining to the maintenance of the Post grounds and building. He/she will prepare an input to the Executive Committee and plan for upkeep of the Post Home.

SECTION 5: Post Adjutant. The Adjutant shall keep full and correct written and electronic record of all meetings of the Post and Executive Committee. He/she shall insure that complete copies of the minutes are kept at the Post Home at all times. He/she shall keep such records as the Department and National Organization may require, render reports of membership annually or when called upon at a meeting. He/she shall prepare all correspondence, as directed by the Commander or the Executive Committee. He/she shall be responsible for providing a general bond for all persons having access to any Post funds.

SECTION 6: Post Finance Officer. The Finance Officer shall report monthly on the financial condition of the Post to the membership. He/she shall make recommendations regarding the expenditure of funds and maintenance of Post financial integrity. He/she shall maintain a general checking account and shall manage all monies received from the operation of Post facilities. At the direction of the Executive Committee, he/she shall also maintain savings or other accounts for Post funds. He/she shall formulate a Post Budget. All checks shall require two signatures. The Commander and Finance Officer shall compile a list of authorized signers and forward it to the bank. He/she shall publish an annual audit consisting of all major income and expenses of the Post.

SECTION 7: Post Historian. The Historian shall keep the historical records of the Post. A copy of the Post Yearbook shall be presented to the outgoing Commander at the end of his/her term.

SECTION 8: Post Chaplain. The Chaplain shall be charged with the spiritual welfare of Post Comrades and will offer appropriate religious service in the event of dedications, funerals, and public functions. The Chaplain will adhere to ceremonies recommended by the National or Department Headquarters. His/her duties shall also include expending limited Post funds at the discretion of the Executive Committee. The Commander on recommendation of the Chaplain shall appoint a chaplain-assistant.

SECTION 9: Post Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at all meetings and shall perform other duties assigned by the Post Commander

SECTION 10: Post Judge Advocate. The Judge Advocate shall advise the Commander and Executive Committee on all legal matters relating to the Post, including the interpretation and construction of the Post Constitution and By-Laws. He/she shall perform other duties as are incident to the office. He/she shall sign all documents incident to the office.

SECTION 11: Post Service Officer. The Service Officer shall supervise all matters pertaining to service to members and their families. He/she shall be responsible for equipment the Post has for issuance to veterans and their families.

ARTICLE IV: DELEGATES AND ALTERNATES

SECTION 1: Delegates and Alternates to a Department Convention shall be elected in the same manner and at the same time as Officers of the Post. The number of Delegates and Alternates elected shall comply with Department regulations.

SECTION 2: Post Delegates and Alternates shall serve for any election or other specially called Convention of the Department until the election of new Delegates and Alternates.

ARTICLES V: ELECTIONS

SECTION 1: All elections of Officers, Elected Executive Committeemen, Delegates and Alternates to the Department Convention shall be by ballot and the candidate(s) receiving the highest number of votes be elected to the respective office for which they are candidates.

SECTION 2: Candidates for office in the Post must be members in good standing of Post 276.

SECTION 3: Nominations. Nominations for elected officers shall be made at the regular April meeting. Members must be present to be nominated for an office, unless they have filed a letter with the Adjutant before the meeting, indicating their acceptance of the nomination. A member nominated for office shall either accept or decline the nomination. No additions may be made to the ballot after the close of nominations.

SECTION 4: Election Committee. The Commander shall call for volunteers or appoint members to serve on the Election Committee after the close of nominations. The committee shall consist of three to five Post members in good standing. The committee shall select a chair before overseeing the election and tallying the results. The committee shall prepare the ballots. Election results by office will be posted on the Post bulletin board immediately following the tallying of votes. No nominee for any contested office shall be permitted to serve on the election committee.

SECTION 5: Elections. The election of Officers, Elected Executive Committeemen, Delegates, and Alternates shall be held at the regular May membership meeting. All votes shall be cast by written ballot for contested offices. Every Post member in good standing before the opening of the regular meeting on election day shall be eligible to vote in the election. Voting shall be held at the Post home. No absentee ballots will be allowed. The Post Adjutant shall cast one unanimous vote for each uncontested office. In the case of a tie, there will be a 15-minute break for caucus and then a re-vote.

SECTION 6: In the case of a vacancy, the Post Commander may nominate a Post member in good standing to fill the un-expired term. The Executive Committee shall approve this nomination by majority vote.

SECTION 7: Term Limits. The Commander shall not serve for more than two consecutive years.

SECTION 8: Elected and appointed Officers are expected to actively discharge the responsibilities of their office. Thus, they are expected to attend all scheduled Executive Committee and General Membership meetings. The Post Commander or Adjutant may excuse Officers from these meetings. Three or more un-excused absences shall be cause for removal from office.

ARTICLE VI: COMMITTEE FUNCTIONS

SECTION 1: The newly elected Commander, upon taking office, shall appoint the Chairs of the following standing committees, and such other committees as may be necessary. Standing committees shall consist of those members appointed by the Chair.

Audit. The Audit Committee shall consist of the Chair and three Post members. It shall administer financial policy, prepare budget recommendations, supervise receipts and expenditures of all Post funds, and properly account for all funds in the name of the Post. The Finance Officer, Commander, and Lounge Chair may not be members of the Audit Committee, but shall assist them in their duties.

Lounge. The Lounge Committee, which shall consist of at least five members to include the Lounge Chair, shall supervise the Post Lounge and be responsible for all matters pertaining to and arrangements for social activities of the Lounge, including the kitchen/food service. The Lounge Committee shall make recommendations for the Post Budget. The Lounge Committee may expend funds as necessary for normal operation and maintenance. The Lounge Committee will coordinate with the Finance Officer before approving emergency expenditures of Post funds. The Lounge Chair shall maintain detailed records, including payroll, and inventory and provide a detailed weekly fiscal report of expenditures and receipts to the Post Finance Officer. The Lounge Chair, in coordination with the entire Lounge Committee, shall supervise all paid employees, to include hiring, firing, and disciplinary matters. A monthly report of these matters will be made to the Executive Committee. No relative, mate, or person with affinity to a Post Officer may be an employee of this Post. The Lounge Committee shall abide their duties as prescribed and approved by the Post Executive Committee.

Membership. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including recruitment, reinstatement, and eligibility of members.

Finance and Budget. This committee shall consist of the Finance Officer, Chair of the Lounge Committee, and two members of the Post selected by the Post Commander. It shall administer financial policy, prepare budget recommendations, supervise receipts and expenditures of all Post funds, and properly account for all funds in the name of the Post. If the membership votes to expend funds over the Finance Committee's objection, the member(s) proposing the expenditure must accept responsibility for resourcing it. Finance Committee shall meet not less than once monthly and at such other times as may be required to consider a proposed expenditure of funds and to ensure the check book is balanced.

Publicity. The Publicity Committee is charged with the assembly, publication, and dissemination of the Post Newsletter and the promotion of public support for Legion programs. It shall consist of a Chair and two members.

Service and Rehabilitation. This committee supervises all matters pertaining to service to comrades in the prosecution of all just claims against the United States or State Governments, employment, relief, etc. The committee shall be chaired by the Service Officer and include two members.

Americanism Committee. This committee shall be comprised of the Past Commanders of Post 276, and is charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions, the encouragement of patriotic and civic phases of school instruction, including oratorical contests in schools and Boys State; and activities for community and civic betterment. It aids the children of veterans and helps in fulfilling the Legion's pledge that "no child of a veteran shall be in need of the necessities of life" and "a square deal for every child."

Athletic. The athletic committee promotes the development of clean sportsmanship and supports the general recreational and athletic programs of the Post. The committee shall consist of a Chair and at least two members. The committee will present a budget for approval to the Executive Committee and be responsible for financial record keeping.

Sons of The American Legion. This committee oversees the Post's Squadron of the Sons of The American Legion.

ARTICLE VII: RESOLUTIONS

All resolutions proposed by a Post member or committee shall be handled in accordance with National policy, as outlined in the current American Legion Officer's Guide.

ARTICLE VIII: MEETINGS

SECTION 1: The regular meeting of the Post shall be held at the Post home on the second Thursday of each month at 8:00 p.m., except in July, when there is no Post meeting.

SECTION 2: Only the Post Commander shall have the power to call a special membership meeting of the Post. Special meetings shall be announced at least 24 hours beforehand. The Commander may call emergency meetings concerning health and safety of personnel or security of the property with the appropriate officers at any time.

SECTION 3: A total of fifteen members in good standing, five of which must be elected officers of the Post, attending a regular or duly called special membership meeting shall constitute a quorum.

SECTION 4: The regular meeting of the Executive Committee shall be held in the Post home on the first Thursday of each month at 8:00 p.m., except in July, when there is no regular meeting.

ARTICLE IX: NOTICES

SECTION 1: Every member shall furnish the Post Adjutant with his/her address for mailing purposes.

SECTION 2: The Post Adjutant shall notify the membership of the annual election at least two weeks prior to the election.

ARTICLE X: RULES OF ORDER

All proceedings of the Post shall be conducted according to Robert's Rules of Order, except as otherwise mandated by the Executive Committee.

ARTICLE XI: POST HOME

SECTION 1: Lounge. The club facilities herein known as the Lounge shall be a part of the Social Activities of the Post and will be directed and operated by the Lounge Committee.

SECTION 2: Building. The Hall (including the kitchen and the rest rooms adjoining the hall) may be rented to individuals for their use. Use of the hall may be donated to nonprofit organizations for legitimate purposes. No conduct detrimental to the integrity of The American Legion or the Post shall be permitted.

SECTION 3: Revenue. All revenue received from Post operations shall be turned over to the Finance Officer.

ARTICLE XII: LIMITATION OF LIABILITIES

No member shall make any purchase or contract for any service or labor, or otherwise incur any liability in the name of the Post, except as authorized under these By-Laws.

ARTICLE XIII: AMENDMENTS

These By-Laws may be amended by a vote of two-thirds of the Post membership present and voting. A proposed amendment must be read and accepted at a regular meeting. Membership action will be no earlier than the first regular meeting following the reading of the amendment. All members in good standing must be notified by mail (with the changes to be posted in the Lounge) at least ten days before such an amendment is to be voted upon.

ARTICLE XIV: RULES AND REGULATIONS CONCERNING SOCIAL PRIVILEGES

Membership in the Post includes social privileges, which can involve any function or activity in the Hall, Lounge, picnic area, kitchen, etc. This also includes the Hospitality Room during conventions.

ARTICLE XV: LOUNGE RULES

Members and their guests will conduct themselves in accordance with the posted Lounge Rules, which are incorporated in these By-Laws by reference. Any changes in the Lounge Rules must be ratified by a two-thirds vote of the Executive Committee.

ARTICLE XVI: AUTHORITY FOR DISCIPLINARY ACTION

SECTION 1: The bartender on duty shall be the sole authority for deciding whether the conduct of a person(s) is unacceptable. Their decision will be based on the rules of conduct posted in the Lounge area. If the bartender on duty decides a person(s) conduct is unacceptable, action will be limited to:

- a. Removal and disposal of drinks that have been served and may or may not have been paid for
- b. Refusal to serve additional drinks
- c. Notification that the person(s) will not be served any drinks for the remainder of that day
- d. Notification that the person(s) must immediately leave both the lounge and Post premises
- e. Contact of Lounge Committee or Post Officer for assistance or Police, if necessary, if the person(s) does not immediately leave the premises.

SECTION 2: In addition to the above, the bartender on duty will write an incident report at the completion of the shift and present it to the Lounge Committee as soon as practical. The Lounge Committee shall then determine if the conduct of the person(s) warrants recommendation to the Executive Committee for disciplinary action.

SECTION 3: The Post Commander, Post Officers, and all members of the Post will fully support the actions of the bartender on duty, even if they disagree with the action taken.

SECTION 4: Any member of the Post who is in good standing can bring formal charges against any member for cause by presenting such charges in writing within seven (7) day's of the occurrence to the Chair of the Lounge Committee, Post Commander or Post Adjutant. All such matters will be presented to the Executive Committee for action. Executive Committee decisions will be in writing and copies will be made available to all concerned.

ARTICLE XVII: STANDARDS OF CONDUCT AND RESPONSIBILITY OUTSIDE THE LOUNGE

SECTION 1: All members of the Post are expected to conduct themselves in a manner that will not reflect discredit upon the Post or the American Legion.

SECTION 2: Any Post Officer has the authority to decide whether a person(s) conduct is unacceptable. When such a determination is made, at the Officer's discretion, that person(s) may be asked to leave the premises. A person ordered to leave is not entitled to a refund, even if the social event included the price for admission.

ARTICLE XVIII: DISCIPLINE OF POST MEMBERS

SECTION 1: The Post has the power to discipline its own membership subject to the restriction of the National and Department Constitutions and By-Laws. No member in good standing shall lose his/her Post membership before a fair trial is held.

SECTION 2: Charges. All charges shall be given to the Post Commander or Adjutant, for presentation to the Executive Committee for their action. If action is required, a copy of the charges shall be served upon the accused by a Post officer. The copy of the charges shall specify the date; time and place of the hearing, no sooner than fifteen days after the charges have been served. A copy of all papers served and certification of the service shall be preserved in the Post Records in the event of an appeal.

SECTION 3: Hearing. The hearing shall be held before the Executive Committee. The hearing shall be presided over by the Commander, or his/her representative, who shall not vote on the charges. The Post Adjutant shall make a tape recording of the proceedings. The Post Judge Advocate shall represent the Post at the hearing. The accused shall be entitled to obtain representation at the hearing, to call witnesses and to cross-examine all witnesses. Reasonable postponement will be accorded to permit the hearing to be held at such time as will best insure the production of all evidence bearing on the charges. Conviction shall be by a majority (not including the Judge Advocate or Commander). The Executive Committee will set punishment.

SECTION 4: Punishment. A member may be reprimanded, or denied the use of facilities for a period not to exceed 2 years by a majority vote of the Executive Committee. On recommendation of the Executive Committee, the membership may expel any member of this Post for cause by a two-thirds vote of the members present and voting. Cause means disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the American Legion. The Executive Committee may also recommend any Officer or Committee member be removed from office for inefficiency. A two-thirds vote of said Committee present and voting will be necessary to recommend any expulsion or removal action to the membership. The Post Adjutant shall immediately send notice of expulsion of any member to the Department Adjutant. The decision of Post 276 shall be final unless changed by the Department Executive Committee.

SECTION 5: Appeal. Any member who has been disciplined has the right to appeal to the Department Executive Committee. The appeal must be in accordance with Article XIII Sections 1-8 of the Constitution and By-laws of the Department of Maryland.

SECTION 6: A Post member who has been expelled or suspended for cause may be reinstated by a two-thirds vote of the members present and voting in a General Membership meeting. The member must pay any arrears in dues at the time of expulsion or suspension, plus any dues which became payable between the expulsion or suspension and the reinstatement.

SECTION 7: No one expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post.

SECTION 8: Removal from Office. Any Officer may be removed from office by a vote of two-thirds of the Executive Committee for malfeasance in office or neglect of duty. The hearing will be presided over by the Commander or a representative of the Executive Committee, other than the Judge Advocate. The Adjutant shall make a tape recording of the proceedings. The Post Judge Advocate will represent the Post at the hearing. The accused is entitled to obtain representation at the hearing, to call witnesses and cross-examine witnesses.

SECTION 9: Nothing contained herein shall prohibit the Post from taking any reasonable and lawful action against a member or guest in order to maintain order regarding the use of Post facilities.