

Post Constitution and Bylaws

Contents

| | | |
|--------------|-------------------------------|--------------|
| Preamble | | Page 1 |
| Article I | Use of Name and Emblem | Page 1 |
| Article II | Objects and Nature | Page 2 |
| Article III | Membership | Page 2 |
| Article IV | Organization | Page 2 - 3 |
| Article V | Nominations and Elections | Page 4 |
| Article VI | Officers Duties | Page 4 - 6 |
| Article VII | Finances | Page 6 - 7 |
| Article VIII | Auxiliary | Page 7 |
| Article IX | Sons of the American Legion | Page 7 - 8 |
| Article X | Executive Board Meetings | Page 8 |
| Article XI | Membership Meeting Procedures | Page 8 - 9 |
| Article XII | Functions | Page 9 |
| Article XIII | Post Delegates | Page 10 |
| Article XIV | Limitations of Liabilities | Page 10 |
| Article XV | Amendments | Page 10 - 11 |

**HARRY OLLRICH POST NUMBER FOUR (4)
AMERICAN LEGION
401 North Groesbeck, Mt. Clemens, MI 48043**

CONSTITUTION AND BYLAWS

PREAMBLE

FOR GOD AND COUNTRY, WE ASSOCIATE OURSELVES TOGETHER FOR THE FOLLOWING PURPOSES: TO UPHOLD AND DEFEND THE CONSTITUTION OF THE UNITED STATES OF AMERICA; TO MAINTAIN LAW AND ORDER; TO FOSTER AND PERPETUATE A ONE HUNDRED PERCENT AMERICANISM; TO PRESERVE THE MEMORIES AND INCIDENTS OF OUR ASSOCIATION IN ALL WARS; TO INCULCATE A SENSE OF INDIVIDUAL OBLIGATION TO THE COMMUNITY, STATE AND NATION; TO COMBAT THE AUTOCRACY OF BOTH THE CLASSES AND THE MASSES; TO MAKE RIGHT THE MASTER OF MIGHT; TO PROMOTE PEACE AND GOODWILL ON EARTH; TO SAFEGUARD AND TRANSMIT TO POSTERITY THE PRINCIPLES OF JUSTICE, FREEDOM AND DEMOCRACY; TO CONSECRATE AND SANCTIFY OUR COMRADESHIP BY OUR DEVOTION TO MUTUAL HELPFULNESS.

ARTICLE I – NAME AND USE OF NAME AND EMBLEM

SECTION 1: The name of this organization shall be the “HARRY OLLRICH AMERICAN LEGION POST #4” The American Legion, Department of Michigan.

- A. The name “American Legion” may be used only in carrying out the purposes of the organization with appropriate language to indicate the Post name.
- B. The use of the American Legion Emblem by the individual Legionnaire shall be limited to the wearing of the official insignia, and to the possession of the authorized jewelry or merchandise bearing the emblem.
- C. The use of the American Legion Emblem shall be confined to using the imprint of the emblem upon stationary and office supplies, upon Post publications and to the use of authorized regalia or merchandise bearing the emblem.
- D. The Post Officers are charged with resisting and restraining the unauthorized use of the name “AMERICAN LEGION” or the “EMBLEM”.
- E. Any other use of the name “American Legion” or the Emblem will be subject to the approval of the national adjutant, provided that the approval of the Department Adjutant has first been granted.

ARTICLE II – OBJECTS AND NATURE

- SECTION 1:** The Objects and purpose of this Post shall be to promote the principles and policies as set forth in the fore-going Preamble, and the National and Department Constitutions of the American Legion.
- SECTION 2:** This Post is a civilian organization and membership herein does not affect liability for military or police service. Rank does not exist in the American Legion; no member shall be addressed by his or her Armed Forces title in any meeting of this Post.
- SECTION 3:** This organization will be absolutely non-political and non-sectarian, and will not be used for the dissemination of partisan principles or the promotion or the candidacy of any persons seeking public office or preferment.

ARTICLE III – ELGIBILITY FOR MEMBERSHIP

MEMBERSHIP IN THE AMERICAN LEGION WILL BE DESIGNATED BY DEPARTMENT OF MICHIGAN AND NATIONAL CONSTITUTION AND BY-LAWS

- SECTION 1:** Members who joined this Post prior to the issuance of the Post Charter shall be known as “Charter Members”.
- SECTION 2:** Application for membership will be made by completing an Application for Membership Form. Proof of honorable discharge or a copy of DD 214 Form, Report of Separation from the Armed Forces of the United States, paying the initiation fee plus the first year’s annual dues; and submitting said application to the Post Executive Board for action.
- SECTION 3:** Membership in this Post is an active membership and dues shall be paid annually or for life.
- SECTION 4:** Any applicant for membership in Post 4, who has been suspended from another American Legion Post, for misconduct or misrepresentation, will not be admitted to Post 4 until a thorough investigation has been made by the Post 4 Executive Board and the said board has made their recommendation. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post. The member may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE IV – ORGANIZATION

- SECTION 1:** Every bona fide member of this Post 4, in good standing, will be eligible to hold office in this Post except as otherwise provided for hereinafter.

SECTION 2: The term of office for all elected offices will be for a period of one year or until their successors are installed.

SECTION 3: Any member of the Post Executive Board may be removed from office for inefficiency or for unexcused absences in excess of three scheduled consecutive membership meetings and/or three Executive Board meetings by a 2/3 vote of the membership present at the Executive Board meeting.

SECTION 4: The Post holds the officers harmless for all of their legal actions.

SECTION 5: The Post Organization shall consist of the following elected Officers who will also be the Post Executive Board Members:

- A. Post Commander
- B. First Vice Commander
- C. Second Vice Commander
- D. Adjutant
- E. Finance Officer
- F. Chaplain
- G. Historian
- H. Sergeant at Arms
- I. Executive Committee (three (3) members) plus immediate past Commander, if he so desires, (four (4) total).

SECTION 6: The positions that may be appointed by the Post Commander and approved by the Executive Board may include, but not limited to:

- A. Post Service Officer
- B. Post Judge Advocate
- C. Post Assistant Judge Advocate
- D. Post Assistant Adjutant
- E. Post Assistant Finance Officer

- (1) The Service Officer, Judge Advocate, the Assistant members with voice but no vote.
- (2) If the Immediate Past Commander is elected to another position or is succeeded and later resigns for any reason, the Past Commander will not revert to being a member of the Executive Committee; the Past Commander gave up the Executive Committee position by accepting another elected position.

ARTICLE V – NOMINATIONS / ELECTIONS

SECTION 1: The Post will be under the supervision of the Executive Board. The Post Executive Board will have full authority to take any action necessary for the well being of the

Post during the time between membership meetings; and to administer any housekeeping affairs.

SECTION 2: The Post Executive Board will not have the authority to negate any action taken by the Post membership at any meeting; and all actions of the Executive Board will be reported, and confirmed, by the Post membership in its next regularly scheduled meeting, before any such action becomes binding upon the Post.

ARTICLE VI – OFFICER DUTIES

All officers' duties are performed as designated in the Officers Guide and Manual of Ceremonies.

SECTION 1: POST COMMANDER'S DUTIES ARE AS FOLLOWS:

- A. Will be the Chief Executive Officer of this Post.
- B. Will have general charge of this Post and shall preside at all meetings.
- C. Appoint a chairman for each Department activity to a term of one year.
- D. Instruct Adjutant to forward to Department Headquarters, a list of all those chairmen.
- E. Appoint a Finance Committee at the beginning of his term of office and appoint an audit committee.
- F. Appoint a Publisher to edit mail and email the, "THE VOODOO NEWS" at least every three months.
- G. Will attend not less than three (3) of the 7th District Meetings. If unable to attend, he will appoint an active Post member to attend with full authority to act on the Posts behalf.
- H. Will attend the Fall Conference, Spring Conference and the Department Convention. If unable to attend any of the above, the Post Commander will appoint an active Post member to attend with full authority to act on the Posts behalf.
- I. Will perform such other duties as the Post Executive Board may direct from time to time.
- J. Will be ex-officio member of all committees with voice but without vote.

SECTION 2: POST FIRST VICE COMMANDER'S DUTIES ARE AS FOLLOWS:

- A. The First Vice Commander assumes the duties of the Post Commander in the post Commanders absence.
- B. May perform the duties of the Post Membership Chairman.
- C. Will attend at least one (1) of the 7th District Meetings.
- D. Will attend Fall Conference, Spring Conference if possible, and Department Convention.
- E. It would be desirable for the Vice Commander to attend the American Legion Leadership College.
- F. Will perform such other duties as the Post Executive Board and/or the Post Commander may direct from time to time.

- G. Will be an authorized signature to sign checks on all accounts.

SECTION 3: POST SECOND VICE COMMANDER'S DUTIES ARE AS FOLLOWS:

- A. Will perform the duties of the First Vice Commander in the event of the First Vice Commanders absence.
- B. Will perform the duties of the Post Activities Chairman.
- C. Will perform such other duties as the Post Executive Board and/or the Post Commander may direct from time to time.
- D. For Post entertainment functions, it will be the responsibility of the 2nd Vice Commander, if no 2nd Vice Commander, it will be the responsibility of the Lead Bar Server.
- E. Will be a member of the Lounge Committee.

SECTION 4: POST ADJUTANT'S DUTIES ARE AS FOLLOWS:

- A. The Adjutant will be the Chief administrative officer of this Post.
- B. Will be the custodian of all office Post records.
- C. Will keep the records of the Post membership and Executive Board meetings, and perform all other duties usually pertaining to that office.
- D. Will maintain the sign in book for the purpose of providing attendance.
- E. Will receive all dues monies from members and keep a record thereof.
- F. Will perform any other duties as directed by the Post Commander or Post Executive Board.
- G. Will be an authorized signature to sign checks on all accounts.
- H. The Adjutant will receive a sum of \$.50 cents per member for performing membership duties once a year.

SECTION 5: POST FINANCE OFFICER'S DUTIES ARE AS FOLLOWS:

- A. The Finance Officer will be the custodian of all Post funds.
- B. The Finance Officer will report once a month to the Executive Board the conditions or finances of the Post.
- C. Will be a member with voice and vote on the Finance Committee.
- D. Will pay all bills of this Post.
- E. Will be an authorized signature to sign checks on all accounts.

SECTION 6: SERGEANT-AT-ARMS DUTIES ARE AS FOLLOWS:

- A. Will be in charge of the ceremony of advancing and retiring the colors at all Post membership meetings.
- B. Will preserve order at all times at all meetings.
- C. Will perform such other duties as the Post may direct.
- D. Will be responsible for the security of the ceremonial rifles and necessary ammunition.
- E. Will be responsible to get the colors to the funeral home in case of a member's death.
- F. Will take charge of the firing squad for funerals and other ceremonies.

- G. Will be responsible for all members signing in at membership meetings.

SECTION 7: CHAPLAIN'S DUTIES ARE AS FOLLOWS:

- A. The Chaplain will read the prayers at the beginning and end of every Post meeting, excluding the Executive Board meeting.
- B. Will be responsible for reading the prayers at a memorial service and/or graveside service in the case of a member's death.
- C. Will be responsible for sending flowers to the funeral home in the case of a member or spouses death, if notified.
- D. Will be responsible to buy "Get Well" cards and send them to a member and/or visit the member in the hospital or home, if notified.

SECTION 8: HISTORIAN'S DUTIES ARE AS FOLLOWS:

- A. Will be responsible for keeping the history of the Post.
- B. Will take photos of all Post functions.
- C. Will collect and edit all information for the Post history book and the yearly history book, which is to be presented to the outgoing Commander at the conclusion of the year, or at the installation of the new Commander.
- D. Will coordinate with the local newspapers to publicize the American Legion Programs.

SECTION 9: The Post will be under the supervision of the Executive Board. The Post Executive Board will have full authority to take any action necessary for the well being of the Post during the time between membership meetings; and to administer any housekeeping affairs.

SECTION 10: The Post Executive Board will not have the authority to negate any action taken by the Post membership at any meeting; and all actions of the Executive Board will be reported and confirmed, by the Post membership in its next regularly scheduled meeting before any such action becomes binding upon the Post..

ARTICLE VII – FINANCES

SECTION 1: The revenue of this Post will be derived from membership initiation fees, from annual dues and from such other sources as may be approved by the Post Executive Board.

SECTION 2: The amount of such membership or initiation dues and the amount of such annual Post dues shall be fixed and determined by this Post as stated in the Post Standing Rules.

SECTION 3: This Post will pay to Department Headquarters, the Department and National dues as stated in the Post Standing Rules.

SECTION 4: This Post will pay to the 7th District Association Finance Officer, those per capita dues figured on the previous year's membership as stated in the Post Standing Rules.

SECTION 5: All salaried employees of this Post will be paid as stated in the Post Lounge Rules, or as directed by the Executive Board.

SECTION 6: Mortgage payments will be made by the Finance Officer from the Post account.

SECTION 7: All Bank Accounts of this Post will have three (3) signatures on record as authorized signers of all checks written on the accounts of this Post with two (2) signatures being mandatory of all checks as stated below:

- A. The Finance Officer, the Adjutant, and the First Vice Commander will be authorized to sign checks on all Accounts.

ARTICLE VIII –AUXILLARY

SECTION 1: Harry Ollrich Post #4 American Legion, of Mt. Clemens, Michigan 48043 in conjunction with the American Legion, Department of Michigan recognizes an auxiliary organization, known as the American Legion Auxiliary, Department of Michigan.

SECTION 2: Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE IX – SONS OF THE AMERICAN LEGION

SECTION 1: Harry Ollrich Post #4 American Legion, of Mt. Clemens, , Michigan 48043 recognizes a "Sons of the American Legion Squadron #4.

SECTION 2: Membership in the Son's of the American Legion Squadron #4 will be as designated by the Department of Michigan and National Constitution and By-Laws of the Son's of the American Legion.

SECTION 3: By virtue of the recognition of the members of the Harry Ollrich Sons of the American Legion Squadron #4 of Mt. Clemens, Michigan 48043; full membership privileges are granted to those members twenty-one (21) years of age or over in the Post Lounge. They will pay a fee for lounge privileges.

SECTION 4: This Squadron will pay to the Department Headquarters, the Department and National dues as stated in the SAL By-laws.

ARTICLE X – EXECUTIVE BOARD MEETING PROCEDURES

The Post Commander will call a meeting of the Executive Board as designated by the Post Standing Rules. The business of this Board Meeting will be conducted in the following order: Drinking ***may be allowed or not allowed*** at the Commanders discretion.

- Roll Call of Officers
- Commander's Comments
- Unfinished business
- New Business
- Comments from all Executive Board Members present
- Comments from all non-executive Board members present
- Any further Business
- Adjournment of Meeting

ARTICLE XI – MEMBERSHIP MEETING PROCEDURES

SECTION 1: This Post shall conduct, open and close its local meetings as per the national “Officer’s Guide and Manual of Ceremonies” or its succeeding publication.

SECTION 2: The General Membership Meetings are scheduled as stated in the Post Standing Rules. The order of business for this meeting is as follows:

- Advancement of Colors (If necessary)
- Opening prayer
- Placement of the POW/MIA Flag
- Pledge of Allegiance
- Preamble
- Roll Call of Officers
- Reading of the Minutes of the previous Membership meeting
- Reading of the Minutes of the previous Executive Board meeting
- Introduction of Guests and/or prospective members
- Finance Report
- Committee Reports
- Communications and Correspondence
- Balloting on Applications
- Sick Call, Relief and Employment
- Unfinished Business
- Initiation of Candidates for membership
- New Business
- Memorial to Departed Members
- For the Good of the American Legion
- Closing Prayer
- Retirement of the Colors
- Adjournment of the Meeting

ARTICLE XII - FUNCTIONS

SECTION 1: This Post will adopt a set of Standing Rules to govern the conduct of our business. The Standing Rules will be reviewed and revised, if necessary, at the first regular Post meeting following the installation of the newly elected officers each year and

at such times as the Post shall deem necessary. Such revision shall be adopted by a majority vote of those members present and voting.

SECTION 2: This Post will not engage in partisan politics, will not endorse any candidate for public office, and shall not contribute to, or assist in any political campaigns.

SECTION 3: No individual of this Post will secure a loan of any sort for the purpose of construction or repair of this Post's holdings, unless a vote of two-thirds of the members of said Post attending such General Membership Meeting, provided that the proposed resolution to secure a loan will have been submitted in writing and read at the next preceding regular membership meeting of said Post and providing further, that written notice will have been given to all members at least ten (10) days in advance of the date when such resolution is submitted for action and be voted upon.

SECTION 4: The Post Finance Committee will consist of a Chairman and two other members of this Post. The Commander and Finance Officer will serve as ex-officio members and carry no vote. The duties and responsibilities of the Finance Committee will be as follows:

- Insure that all the audits of all Post accounts during January and July of each year, and any other time as deemed necessary by the Post Commander and/or the Post Executive Board are conducted.
- Will prepare a Post Budget to be submitted to the Executive Board for approval during October of each year.
- Will submit their report of findings of the audit during the months of February and August or 30 days after an unscheduled audit in time for the General Membership meeting and once approved, will become official records of this Post.
- Will review the fair-share of expenditures between the Lounge and the Hall to make appropriate recommendations to the Post Executive Board.

ARTICLE XIII – POST DELEGATES

SECTION 1: Post Commander, First Vice Commander, Second Vice Commander, and Post Adjutant are automatically the Post Delegates to the 7th District meetings by virtue of their office and must attend at least one (1) of the District meetings throughout their current year, plus any other Post members who wish to attend; as all Post members are welcome and eligible to attend all District meetings.

SECTION 2: All Delegates and Alternates to the Department Convention and/or conference will be elected not less than 30 days or more than 45 days prior to the function. Delegates will be elected each year, except that the present Post Commander will be the first delegate and the chairman of the delegation. The remaining number of delegates will be elected according to the National and Department Constitution and By-Laws.

SECTION 3: All of the following are required, of the elected delegates and alternates attending the Department Convention and/or Conference:

- All Post Delegates that go to the Department Convention will be paid as stated in the Standing Rules.
- All delegates must be at the opening and remain on the Convention floor at least 50% of the time.
- All delegates will report at the next Post Membership Meeting concerning their activities at the Convention.

ARTICLE XIV – LIMITATION OF LIABILITIES

SECTION 1: The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

ARTICLE XV- AMENDMENTS

SECTION 1: This Constitution and By-Laws are adopted subject to the provisions of the National Constitution of the American Legion and the Constitution of the Department of Michigan. Any amendment to said National and/or Department Constitution which is in conflict with any provisions of Post 4 Constitution and By-laws, shall be regarded as automatically repealed or modified to the provisions of the National Constitution of the American Legion and/or the Constitution of the Department of Michigan.

SECTION 2: This Constitution and By-Laws may be amended at any Post 4 meeting by a vote of two thirds of the members present at that meeting. The Bylaws Committee will be responsible to enter an announcement in the Voodoo news to all Post 4 members at least thirty (30) days in advance of the date which such amendment or amendments will be presented and reviewed. The proposed amendment or amendments must be submitted in writing and read at the next scheduled membership meeting. The amendment or amendments will be voted upon at the next membership meeting.

SECTION 3: Roberts Rules of Order shall guide the conduct of all meetings of this Post except where specific provisions for such conduct are provided by these Constitution and By-Laws and the Standing Rules of this Post 4. The newly revised and current edition will be used.

SECTION 4: The aforesaid Constitution and By-Laws of the Harry Ollrich American Legion Post #4 were reviewed, changed and adopted as written and recommended to the General Membership of this Post this 16th day of December, 2019 to be adopted.

SECTION 5: These Constitution and Bylaws of this Post, as revised and amended this 14th day of March, 2023 shall supersede any and all enacted prior to this date.

SECTION 6: What is not covered in the Constitution and By-Laws shall and will be covered in the Post Standing Rules and the Post Lounge Rules.