

# AMVETS DEPARTMENT OF

## TENNESSEE BYLAWS

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## **ARTICLE I, COMMITTEES**

**SECTION 1,** The Executive Committee shall meet at the call of the Commander. The Commander shall be compelled to call a meeting of the State Executive Committee upon written request of the majority of the State Executive Committee. Written notice of any meeting of the State Executive Committee shall be given by mail to all members or alternates thereof at least seven (7) days prior to said meeting.

**SECTION 2,** The Commander, with the approval of the State Executive Committee, shall appoint the following committees: Finance, Membership, Programs, Scholarship, Awards, Convention and such other committees as are deemed expedient for the good of the organization.

**SECTION 3,** The number of members of each committee shall be determined by the Commander, and shall serve not longer than the duration of said Commander's term with the exception of the Finance Committee, which shall be composed of three (3) members in addition to the Commander, Finance Officer, immediate Past State Commander and Executive Director.

The initial membership shall be appointed as follows: one for one (1) year; one for two (2) years; one for three (3) years and thereafter one to be appointed annually for a term of three (3) years. The President of the Service Foundation shall be a non-voting member of the Finance Committee.

**SECTION 4,** The State Finance Committee shall be charged with the raising of funds and drawing up the budget for the upcoming fiscal year this committee is held responsible for those funds and such other duties as shall be prescribed by the Commander, subject to the approval of the State Executive Committee.

**SECTION 5,** In addition to the usual prescribed duties of the various committees; they shall perform such other duties as directed by the Commander and/or the State Executive Committee.

**SECTION 6,** The State Executive Committee shall provide for the appointment and employment of such other subordinate officers and employees as may be needed for the administration of affairs of the State Department and prescribe their duties and compensation. They shall prepare a Personnel Policy Manual outlining employee duties and benefits and all other things pertinent to the operation of the

Department Headquarters subject to the approval of the State Executive Committee.

## **ARTICLE II, COMPENSATION OF OFFICERS**

**SECTION 1,** Any officer and /or employee may receive compensation for expenses incurred in connection with his or her activities on behalf of the Department. The limits of the amounts of such compensation shall be prescribed by the Finance Committee, in its annual fiscal budget, to include set amounts allowed for compensation. The Commander shall be allowed to make decisions on expenses other than those set for officers compensation. No compensation will be authorized for any State Officer that is representing his or her post at any State Executive Committee meeting.

**SECTION 2,** The Department Delegate, Alternate Delegate, and the National Executive Committeeman, when attending the National Convention of AMVETS, shall be considered to be engaged in activities on behalf of the State Department.

## **ARTICLE III, DUTIES**

**SECTION 1,** The Commander shall be the Executive head of the Department with full power to en force the provisions of the Bylaws,

Bylaws and the will of the State Convention. He shall be the chairman of the State Convention and the State Executive Committee, and shall perform such other duties as are usually incident to the office. He shall sign checks disbursing funds of the Department.

**SECTION 2,** The Vice Commanders shall act as Representatives of the Commander on all matters referred to them by him. Upon his request or absence, preside over the meetings of the State Convention or State Executive Committee and perform such other duties as prescribed as follows:

**THE FIRST VICE COMMANDER** shall coordinate all post membership directors and also correlate the convention mandates on membership to the posts and also:

(1) Review and evaluate the membership programs of each post and report his recommendations to the State Commander.

- (2) Endeavor to create and present new membership incentives to the State Commander:
- (3) Be informed of the membership strength of the State Department and see this information is circulated to the posts.
- (4) The First Vice Commander shall perform such other duties in connection with membership as directed by the State Commander.

### **THE SECOND VICE COMMANDER**

Shall coordinate with all post program chairmen, and also:

- (1) Review and evaluate the existing programs and report his recommendations to the State Commander.
- (2) Coordinate all programs between post and state levels.
- (3) Be charged with the responsibilities of studying and recommending new programs to the State Commander and the State Executive Committee.
- (4) Be indoctrinated on all programs stated by the posts or State Department and its subsidiaries, especially those involving contact with the general public.
- (5) The Second vice Commander shall perform such other duties in connection with programs as directed by the State Commander.

**SECTION 3,** The **EXECUTIVE DIRECTOR** shall maintain offices at the place designated by the State Executive Committee, and shall have the powers and duties given or required by the Executive Committee and given or required by the Commander between meetings of the State Executive Committee. Said powers and duties may include the administrative directives of the Department and employees of the Department and shall perform such other duties as are usually incident to the office under the direction of the Commander. The Executive Director shall sign checks disbursing funds of the Department.

**SECTION 4,** The **FINANCE OFFICER,** in conjunction with the Executive Director and Commander, shall be in charge of the solicitation and disbursement of finances of the Department. The Finance Officer shall release a statement of

conditions at each State Convention. The Finance Officer shall sign checks disbursing funds of the Department.

**SECTION 5, The ADJUTANT,** shall receive and respond to all communications at the direction of the Commander. The Adjutant shall record and maintain the minutes of all meetings. The Adjutant shall forward a copy of said minutes to Department Headquarters.

**SECTION 6, The JUDGE ADVOCATE,** shall advise the Department Officers and the State Executive Committee on all legal matters, including contracts and the construction and interpretation of the Department Constitution and Bylaws, and shall perform such other duties as are usually incident to the office. The Department Judge Advocate shall review all contracts prior to execution by the organization.

**SECTION 7, The SERVICE OFFICER,** shall be the Welfare Officer of the Department. The Service Officer shall be directly concerned with all matters pertaining to the social and material welfare of members, and shall particularly be concerned in the assistance of all members in securing all rights and privileges accorded them by law. The Service Officer shall act as Liaison Officer between the State Executive Committee and Federal and State agencies charged with Veteran's affairs and shall act in direct assistance to Post Service Officers.

**SECTION 8, The PUBLIC RELATIONS OFFICER,** shall keep the public informed relative to the activities of the Department, in order to build and maintain good will toward the organization, and such other duties as the Public Relations Officer may be directed to do.

**SECTION 9, The CHAPLAIN** shall perform such divine and nonsectarian services as may be necessary, adhering to the ceremonial rituals as may be recommended by the State or National Department from time to time.

**SECTION 10, The PROVOST MARSHAL,** shall maintain order at all meetings and conventions. The Provost Marshal shall distribute, collect and count ballots and shall announce the result of the voting. The Provost Marshal shall perform such other duties as may be requested by the Commander.

## **ARTICLE IV CHARTERS**

**SECTION 1,** Before an original charter issued to any post, the proponent must submit a list of no less than ten (10) new members.

(a) The State Executive Committee may suspend, cancel or revoke a post charter in accordance with the Uniform Code of Procedure for the revocation, cancellation or suspension of post charters as set forth by National Headquarters. In the event that an appeal is taken by a post from the action of the State Executive Committee, the Department Commander, at his discretion upon application properly made to him, and for just cause, is hereby authorized to allow the post to continue to operate pending a final decision of the appellate body. If the decision of the appellate body sustains the suspension, cancellation or revocation of the post charter, then and in that event, the post shall be required to cease operation pending determination on appeal to the next higher level.

(b) A post charter which has been thus suspended may be reinstated by action of the State Executive Committee if that post purged itself of the offense within sixty (60) days of its suspension. If the reasons for the disciplinary action are not cleared to the satisfaction of the State Executive Committee within sixty (60) days, appropriate action shall be taken by the Committee to affect revocation or cancellation of the charter.

(c) In the event that a post fails or refuses to adhere to disciplinary action after the Department has requested such action, it is violating the rules of the bylaws. After demand has been made upon said post for action, the Department Commander may suspend the charter of such post by notice, accompanied by written notice, a copy of which shall be forwarded to Department Headquarters and to post area local authorities. The determination of whether the charter shall be suspended or revoked shall be considered at the next meeting of the State Executive Committee.

**SECTION 2,** Upon revocation, cancellation, or suspension of the charter of a post within the Department of Tennessee, said Post shall immediately cease operation and upon revocation or cancellation shall turn over its charter and assets to the Department Commander or State Executive Committee.

The State Executive Committee is authorized, empowered, and directed by and through its duly authorized agent to take possession, custody, and control of all records, property, and assets of said post. So much of the said assets as are required for the purpose shall be applied to any indebtedness of said post, provided, however, that nothing herein contained shall be construed as requiring this Department to take over or to assume any financial responsibility of such post.

Assets to be held in trust for a period of twelve (12) months. In the event the post charter is not reissued within the twelve (12) month period, the said property, money and effects shall become the absolute property of the State Department. When a charter of a post is cancelled or revoked for any reason, said charter shall be returned to National headquarters within thirty (30) days.

**SECTION 3,** Any post failing to meet the obligations imposed upon it by the bylaws, or ceasing to function for six (6) months as a post of AMVETS or voluntarily ceasing to function as a post, or merging with one or more other posts, or refusing or failing to pay the Department and National per capita dues within sixty (60) days after collection by the post, shall, upon order of the State Executive Committee, surrender its charter.

## **ARTICLE V, DISCIPLINE OF POSTS AND POST MEMBERS**

**SECTION 1,** Each post in the Department shall be the judge of its own membership, subject to the provisions of the constitution and bylaws of the Department and National Departments.

(a) When the conduct of any member of AMVETS is such that in any way will reflect discredit on, or invite criticism of, the organization, or (any member) who belongs to or joins any group, organization or party that is not compatible with the aims and principles of AMVETS, the department commander shall immediately bring the matter to the attention of the post of which the individual is a member. If the post fails to act and protect the name of AMVETS, the Department Executive Committee may suspend the charter of the post involved, pending a hearing and final action by the department executive committee.

(b) In the event the Department Executive Committee fails to act in accordance with paragraph (a) of this article, the National Executive Committee may suspend the charter of the post involved, pending a hearing and final action by the National Executive Committee.



**SECTION 2,** Members may be suspended or expelled by a post, a state Executive Committee or the National Executive Committee on a proper showing of cause. Written charges, which shall be furnished the member involved at least 30 days prior to the date set for the hearing, shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of the AMVETS (American Veterans).

- (a) The National Executive Committee shall provide a uniform code of procedure to be followed in effecting the suspension or expulsion of members, and said code of procedure shall establish a method of appeal.
- (b) The National Executive Committee shall provide a uniform code of procedure for the National Grievance Committee.

**SECTION 3,** Any member who has been suspended or expelled in accordance with Section 2 has the right of appeal. In the event the suspension or expulsion is imposed by the post, the appeal shall be to the Department Executive Committee. In the event the suspension or expulsion is by the Department Executive committee, the appeal shall be to the National Executive Committee. In the event the suspension or expulsion is by the National Executive Committee, the appeal shall be to the National Convention. The decision of the appellate body shall be final.

**SECTION 4,** Any member resigning, being suspended or whose membership is revoked shall have that members name directed to the state and the national headquarters.

**SECTION 5.** Nothing contained in this article shall be construed to limit in any way the powers conferred by Article IV, Section 1, of the National bylaws.

## **ARTICLE VI, MONIES AND COLLECTIONS**

**SECTION 1,** All Department and Post officials handling money shall be properly bonded with a good and solvent bonding and surety company as acceptable to the United States Treasury, as surety to cover double the average amount of money handled in the single year. In case of delinquencies in the payment of amounts due State or National Departments, action shall be taken at once by the proper officials to bring about an immediate and complete settlement. The bonds provided by Department and post officials shall be approved by the Department Judge Advocate and State Executive Committee.

**SECTION 2,** All finances of the Tennessee State Department of the AMVETS shall be under the control of the Finance Officer who shall make an annual report at the state convention. Revenue may be derived from dues and other sources approved by the State Executive Committee. Regulation of the amount of annual dues shall be made by majority vote of the delegates at the annual state convention.

**SECTION 3,** The Finance Committee shall submit an annual budget at the annual state convention for its approval, prior to the adjournment of the convention. The following guidelines shall govern the establishment of the budget of the AMVETS Department of Tennessee, Inc.:

- (a) For the determination of a dues income figure, to be used for budgeting purposes in any fiscal year, the Finance Committee shall not include and the annual Convention and shall not approve any sum in excess of the amount derived by the actual number of annual members as of May 31, multiplied by the State Departments portion of the annual membership dues as established for the budget year.
- (b) Life membership income shall be excluded from all budgetary estimates and life membership dues income shall be deposited in a life membership interest bearing account, of which only the interest may be used in the general operating account.
- © Income from any sources other than membership shall be established and included in any proposed budget based upon actual income from similar sources realized as of May 31 of the current year. Reasonable assurances should exist that such income will be realized
  - (a) In no case shall the Finance Committee or Annual Convention be permitted to adopt or approve a budget in which the expenses or income are exceeded as outlined above.
  - (b) The fiscal year of the Department of Tennessee shall be June 1 through May 31.

**SECTION 4,** All contracts will be reviewed by the State Judge Advocate and approved by the Department Executive Committee and signed by the State Commander.

**SECTION 5,** No withdrawal of funds from a savings account, and no certificate of deposit shall be cashed, except by pre approval of the State Executive Committee given at a regular meeting of the State Executive Committee.

**SECTION 6,** All investments must be FDIC approved.

## **ARTICLE VII, RESTRICTED USE OF ORGANIZATION**

**SECTION 1,** No member's obligations to or prestige as an Officer of AMVETS shall be used for the benefit of, or promotion of, any profits to be endorsed by the Department.

## **ARTICLE VIII, RULES OF ORDER**

**SECTION 1,** All meetings of the Department shall be conducted under Robert's Rules of Order, except as herein otherwise provided.

## **ARTICLE IX, OFFICERS AND DELEGATES**

**SECTION 1,** State Officers may be elected as delegates to the State Convention with the same rights and privileges of any other delegate.

**SECTION 2,** No member can be elected to more than one office from the Convention floor.

## **ARTICLE X, VACANCIES IN OFFICE**

**SECTION 1,** In the event of the vacancy in the office of Commander for any reason whatsoever, the First Vice Commander shall assume his duties. The Second Vice Commander shall advance to First Vice Commander.

**SECTION 2,** In the event of the vacancy in any State Office other than Commander, the Commander shall fill the vacancy by appointment subject to the approval of the State Executive Committee. The tenure of the office shall be that of the Commander and may be removed by the Commander for just cause with the approval of the State Executive Committee.

## **ARTICLE XI, CONVENTION DELEGATES**

**SECTION 1,** The adjutant of each post shall submit to the State Department the names of all delegates at the convention in order that eligibility may be certified by the State Department. Substitution of delegates may be effected until the close of registration at the convention by approval of the State Department of a letter of certification executed by the Post Commander and Post Adjutant.

**SECTION 2,** Unless otherwise mandated by the annual Department Convention, the Department Commander shall be the State Department delegate at the National Convention of AMVETS, and the immediate past Department Commander shall be the State Department alternate delegate to the National Convention of AMVETS.

**SECTION 3,** The members of the Convention shall be made up of post delegates elected by the members of the posts. Each post in good standing shall be entitled to the number, of delegates, determined by its total certified regular members on file with the Department Headquarters on May 31<sup>st</sup> and calculated in the following manner, one (1) delegate shall be allowed for each ten (10) members, or major portion thereof, up to and including a total of one hundred (100) members. Thereafter, one (1) delegate shall be allowed for each additional twenty-five (25) members, or major portion thereof. A member transferred to another post thirty (30) days prior to a State Convention shall not be seated as a delegate for that post.

**SECTION 4,** State Officers, elective and appointive, shall have no vote at a state convention, unless elected as delegates from their local posts, except as follows: the State Commander or Presiding Officer shall have a vote in all matters where there is a tie vote.

**SECTION 5,** A delegate or delegates from the majority of posts which have delegates registered at the convention shall constitute a quorum.

## **ARTICLE XII, OFFICERS (ELGIBILITY)**

**SECTION 1,** Any member of any post, in good standing with the Department of Tennessee shall be eligible for an appointed office, but must be a member of AMVETS for a minimum of three (3) years, to be elected to a State Department

- (a) The office of Department Commander cannot be held by one person for more than two (2) one-year terms consecutively. After a lapse of one (1)

year, since the term of office, a past Department Commander can become eligible to serve again as Department Commander. The Department Commander cannot hold the position of post commander concurrently.

- (b) All post and state officers, both elected and appointed, must furnish the post and state department a copy of their proof of eligibility.
- (c) No elected Trustee, to the Service Foundation, shall be eligible for election to any office within the Department of Tennessee AMVETS.

**SECTION 2**, State Department officers elected at the annual State Convention shall be installed prior to assuming their duties on July 1 and assume their duties on July 1, and shall hold office for a period of one (1) year and until their successors are elected, installed and assume their duties. These officers shall be officers of the State executive Corporation, the AMVETS DEPARTMENT OF TENNESSEE, INCORPORATED. The State Executive Committee, comprised of the previous year's officers and the current post representatives, **shall** convene immediately following the close of each State Convention.

**SECTION 3**, No elected officer of the State Department shall serve more than one (1) month of their term of office concurrently as an elected or appointed State officer of any other veterans organization.

### **ARTICLE XIII, STATE EXECUTIVE COMMITTEE**

**SECTION 1**. The State Executive Committee shall be composed of the elected state officers, and a representative from each post in good standing with the State Department. Each of these persons shall be entitled to one vote at any State Executive Committee meeting. In addition to these votes, all past Department Commanders present, shall be entitled to one vote each. Whenever possible, the time and place of the next regular State Executive Committee meeting shall be set at the previous meeting and announced to the State Executive Committee at that meeting. Further written notices shall be given to the State Executive Committee Members at least seven (7) days prior to said meeting of the time and place thereof.

**SECTION 2,** Regular meetings of the State Executive Committee shall be set by the Commander with the approval of the State Executive Committee.

**SECTION 3,** Each post must elect a representative to the State Executive Committee within sixty (60) days after the post charter is issued by the Department and the Department is to be notified of the representative's name within ninety (90) days after the post receives its charter. Thereafter, each post will elect a Representative and Alternate each year at their annual post elections and notify the Department in writing of the Representative and Alternate's name submitted along with new officers list.

**SECTION 4,** No member shall hold more than one elected office at any one time.

**SECTION 5,** A majority of its eligible members shall constitute a quorum of the State Executive Committee.

#### **ARTICLE XIV. NATIONAL EXECUTIVE COMMITTEEMAN**

**SECTION 1,** The Department Convention shall elect the National Executive Committeeman and an Alternate National Executive Committeeman for the term prescribed in the National Constitution.

**SECTION 2,** In the event of a vacancy in the office of National Executive Committeeman, the Alternate National Executive Committeeman shall serve as the National Executive Committeeman until the next Department State Executive Committee meeting, at which time the State Executive Committee shall fill the vacancy. Any vacancy in the office of the Alternate National Executive Committeeman shall be filled by the State Executive Committee and shall serve until the next regular (annual) Department Convention.

## **ARTICLE XV, SERVICE FOUNDATION**

**SECTION 1**, AMVETS recognizes a subsidiary organization known as AMVETS Department of Tennessee State Service Foundation. Said Service Foundation shall report on its activities at each annual state convention. No Service Foundation may be created by any post of AMVETS.

**SECTION 2**, A copy of the constitution and bylaws and amendments, if any, shall be forwarded to the State Judge Advocate by September 1st of each year.

## **ARTICLE XVI, LIFE MEMBERSHIPS**

**SECTION 1**, Each new post chartered is authorized during the seventh and eighth months only after their charter date to solicit life memberships and to waive so much of the cost of said life memberships as pertains to the Department of Tennessee and the Post only. In no event will any portion remittable to the National Department be waived or reduced and all transmittals for life members at the reduced fee shall be accompanied by no less than the amount required to be remitted to National Department of AMVETS

- (a) Of the Life membership dues received by the State Department, the equivalent of one year annual dues shall be placed in the life membership account fund.
- (b) Annual members who have paid annual dues between September 1 and August 31 may convert to life membership and receive credit for their paid annual dues at any time during that period.
- (c) **NOTE:** State portion of Life Membership dues \$62.50  
\$8.00 shall remain in the General Fund  
\$54.50 shall go into the Life Membership fund.

**EFFECTIVE JULY 2017**

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## **ARTICLE XVII, FUNDRAISING**

### **Section 1, Protecting the integrity and reputation of AMVETS**

- (a) To ensure that Post fundraising activities well represent the integrity and reputations of the National, State and local Post AMVETS organizations, all fundraising events and locations are required to be constantly manned by at least one verifiable and active member of the sponsoring AMVET Post. Additionally, the fundraising event will be accompanied by appropriate banners or signage that includes the AMVETS logo, the sponsoring Post's number and the Post official location.

## **ARTICLE XVIII, AMENDMENTS**

**SECTION 1,** These Bylaws may be amended by the State Convention delegates by a majority vote if amendments have been circulated to each post thirty (30) days prior to Convention and approved by the Bylaws Committee.

Any amendment must receive two-thirds (2/3) vote if supported by the Bylaws Committee but has not been circulated thirty (30) days prior to the convention. Any amendment not approved by the Bylaws Committee and has not been circulated thirty (30) days prior to convention must receive three-fourths (3/4) vote for passage.



