



*E. Roger Montgomery Post 81
The American Legion
Department of New Hampshire*

By-Laws

Article I

Section 1. The Post existing under these By-Laws is to be known as E. Roger Montgomery Post 81, The American Legion, Department of New Hampshire.

Section 2. The objects of this Post are as set forth in the Constitution.

Article II—Management

Section 1. The government and management of the Post are entrusted to an Executive Committee of twelve (12) members, to be known as the “Executive Committee.”

Section 2 The Officers of this post shall be nominated at the first regular meeting in March of each year. No further nominations shall be made or accepted for the ensuing year following the meeting designated herein for the making of such nominations, except in case of a vacancy in any office.

Section 3. The Executive Committee shall consist of nine (9) Officers as described under Article IV of these By-Laws and three (3) additional members known as “The Executive Board”. Together with the officers of this Post, they shall be elected annually at a regular or special meeting in April and take office at the next meeting following that of the election.

All elections of officers and executive committeemen shall be by ballot. The candidate or candidates receiving the highest number of votes shall be elected to the respective office for which they were nominated.

Section 4. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Committee. The person so appointed shall hold office for the un-expired term. The Executive Committee, by majority vote, may declare a vacancy exist if a co-member is absent for three (3) consecutive meetings with out a valid reason or fails to fulfill his/her obligations as outlined in these By-Laws. His/her replacement will be as described above in this section.

Section 5. Three (3) Officers will be authorized to sign checks for the Post. They will be selected by majority vote of the Executive Committee at the first meeting following the installation of officers. The Commander will call this meeting within 7 days after the installation of officers. The Executive Committee may add to or remove from the list of authorized check signers at any regular or special meeting by majority vote. Traditional candidates are, but not limited to, the Finance Officer, the Commander and the Post Adjutant. Those appointed must be readily available if the need arises. Two authorized signatures will be required for all checks written in excess of \$500.00 for any reason.

Article III—Post Executive Committee

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post commander within seven (7) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander or on a schedule to be determined by the Executive Committee and posted on the Post bulletin board.

The commander shall call a meeting of the Post Executive Committee upon the joint written or verbal request of five or more members of said Post Executive Committee; seven (7) members of the committee shall constitute a quorum thereof.

Section 2. The Post Executive Committee shall have sole authority to hire or fire such employees as may be necessary. It shall authorize and approve all expenditures. It shall require adequate bonds for all persons having the custody of or access to Post funds. It shall hear the reports of Post committee chairs. It shall have charge of and be responsible for the management of the affairs of this Post.

Section 3. No member of the Executive Committee may vote on any issue before the Committee that could be construed as a conflict of interest. A majority of the Executive Committee shall rule on any issue that is brought fourth as a conflict of interest to determine if said conflict exist.

Section 4. All members of the outgoing Executive Committee are required by these By-Laws to make themselves available for a period of 30 days after the election to ensure a smooth and orderly transition. Non-compliance shall be deemed grounds for expulsion.

Article IV—Duties of Officers

Section 1. Duties of Post Commander: It shall be the duty of the Post commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post. The Post Commander shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of funds. He/she shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year. This report shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Commander shall perform such other duties as directed by the Post.

Section 2. Duties of 1st Vice-Commander: The 1st vice-commander shall assume and discharge the duties of the office of commander in the absence or disability of, or if called upon by the Post commander. He/she shall chair committees as assigned by the Commander.

Section 3. Duties of 2nd Vice Commander:

The 2nd vice-commander responsibilities parallel those of the 1st Vice-commander. He/she shall assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the Post commander. He/she shall chair committees as assigned by the Commander.

Section 4. Duties of Post Adjutant: The adjutant shall issue proper notices of he Post and keep a written record of all meetings of the Post and Executive Board. He/she shall conduct all correspondence pertaining to and shall perform such other duties as are incident to the Post. He/she shall keep records of Post membership including the names and addresses of all members.

Article IV—Duties of Officers (cont.)

Section 5. *Duties of the Finance Officer:* The finance officer of the Post shall have charge of all financial obligations of the Post. He/she shall see that Post funds are safely deposited in a local bank or banks. He/she shall report once a month to the Executive Committee the condition of the finances of the Post. He/she shall make such recommendations as deemed expedient or necessary for controlling expenses or raising funds with which to carry on the activities of the Post. He or she shall give a report of the Post finances at the regular Post Meeting and a full report at the annual meeting of the Post. The Finance Officer shall prepare for signature or sign all checks (if authorized under Article II, Section 4) disbursing the monies of the Post. He/she shall obtain such Surety Bonds or Employee Dishonesty Insurance in an amount that will be determined by the Executive Committee.

Section 6. *Duties of Post Historian:* The Post historian shall be charged with the individual records and incidents of the Post and Post members. He/she shall perform such other duties as may properly pertain to the office as may be determined by the Post membership or the Executive Committee.

Section 7. *Duties of Post Chaplain:*

The Post chaplain shall be charged with the spiritual welfare of the Post comrades. He/she shall offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc. He/she shall adhere to such ceremonial rituals as are recommended by the National or Department Headquarters.

Section 8. *Duties of Sergeant-at-Arms:* The sergeant-at-arms shall preserve order at meetings and shall perform such other duties as may be assigned by the Post Executive Committee.

Section 9. *Duties of Judge Advocate:* He/she shall advise the Officers of the Post and the Executive Board on all matters regarding the Constitution and interpretation of the Post Constitution and By-Laws. He/she shall perform other duties as are incident to the Office. His/her rulings shall be binding unless or until the District or Department Judge Advocate over rules them.

Article V—Delegates

Section 1. Delegates and alternates to a Department convention shall be elected by ballot by the Post membership at a regular meeting of the Post. Said meeting shall be held at least 20 days prior to the date of such convention. The Commander may appoint delegates to any unfilled positions.

Article VI—Appointments

Section 1. The Post commander, immediately upon taking office each year, shall appoint (*with Executive Committee majority approval*) the following Committees:

Section 2. *The Canteen Committee:* The Canteen Committee will be appointed by the Commander and shall consist of three (3) post members. Two members must be officers as described in Article IV, sections 1 through 5. The third member may be a current member or a member of the Executive Committee. The SALs & Auxiliary will also appoint one (1) member each to serve on the Committee. Their roll will be limited to participating in meetings and offering advice and suggestions. They may not supervise Post employees.

The Post Lounge, Hall facility and employees are to be supervised and managed by Post Officers on the Canteen Committee. This committee is to oversee the day-to-day operation of the entire Post facility. The Lounge and function hall must generate revenues sufficient enough to pay their cost to operate as well as provide additional funds to maintain the entire facility.

Article VI—Appointments (cont.)

The Post Finance Officer will be a part of the committee or work closely with the committee. He/she shall report the financial status at the regular monthly meetings or at a special meeting if called upon.

The Canteen Committee will recommend pricing for all services provided by the Post to the Executive Committee at regular or special meetings for consideration and voting. The Canteen Committee is authorized to spend only those funds that have been authorized by the Executive Committee. Request for additional funds must be presented to the Executive Committee at a regular or special meeting.

Section 3. *Auditing Committee*: The Commander shall annually appoint an Auditing Committee consisting of three current members of the Post. Said committee shall carefully examine and audit the books, records and accounts of the outgoing Finance Officer, Adjutant and all other officers and committees who may receive or disburse Post funds. All financial records must be available for immediate review by the Auditing Committee upon request. A written report of the audit shall be submitted to the Commander prior to the second Executive Committee meeting following the installation of officers. The Executive Committee at its discretion may hire a qualified accountant to examine the books, records and accounts of any officers or committees.

Section 4. *Finance Committee*: The Commander shall annually appoint a Finance Committee consisting of a Chairman, two (2) members of the Executive Committee and at least one (1) representative from the general membership. The Finance Officer should be one of the committee members. It shall be the responsibility of the Finance Committee to conduct hearings and prepare a budget to guide the Post in its fiscal affairs for the ensuing year. It shall be the further duty of this committee to meet regularly with the Finance Officer to review the financial affairs with respect to the current budget and revenues. A copy of the Post accountant's financial report shall be presented to the Executive Committee monthly.

Section 5. *Additional Committees*: The Commander and Executive Committee shall determine which additional committees listed below would best serve the post and community needs and appoint them accordingly. Their duties are as outlined in the Officers Guide Manual. They are: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration & Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security and Sons of The American Legion.

Article VII—Resolutions

Section 1. 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. 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 VIII—Meetings

Section 1. The regular meeting of the Post shall be held at the Post on a schedule to be determined by the Executive Committee and posted on the Lounge bulletin board.

All business properly brought up for action may be transacted. A Quorum of seven (7) officers must be present and vote on all financial issues greater than \$500.00.

Section 2. The Post commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Article VIII—Meetings (cont.)

Section 3. Upon the written request of 15 current members, the Executive Committee shall call a special meeting of the Post within ten (10) days of the request being received by the Commander or acting Commander. Those requesting a special meeting shall state the agenda in their request. The meeting will be limited to that agenda.

Section 4. Seven (7) Executive Committee members shall constitute a quorum unless otherwise specified in these By-Laws.

Article IX—Notices

Section 1. All members shall furnish the Post Adjutant with their address for mailing purposes along with telephone numbers and e-mail address if applicable.

Section 2. The Post Adjutant shall post notice of the Annual Elections on the Post Bulletin board at least two weeks before the nominations and election of the incoming officers.

Section 3. No notice is required to be given for regular meetings of the Post or Executive Committee unless otherwise required by these By-Laws.

Section 4. Two (2) weeks notice must be given to request any change to these By-Laws. This written notice must include the language of the change being requested and be presented to the Commander or Adjutant. The request will be handle as part of the next regular meeting. Any request to change these By-Laws, if approved at that meeting, will require a notice to the Post membership be given at least two weeks (2) prior to the next regular scheduled meeting. A two-thirds vote of current members attending will be required for the change to be made.

Article X—Rules of Order

Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

Article XI—Limitations 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 XII—Paid Employees

Section 1. The Committee known as *The Canteen Committee*, as outlined in Article VI Section 2, shall supervise all Post part time employees. This committee will recommend hiring and or firing to the Executive Committee at a special Executive Committee meeting. The Canteen Committee will present job descriptions and hourly salary recommendations to the Executive Committee for review and final approval. Only the Executive Board with a quorum of seven (7) Officers present is empowered to hire, fire or alter the hourly wage. Said wage must always be equal to or greater than what the state and federal laws require. The Executive Committee will set the frequency of the pay periods.

Article XII—Paid Employees (cont.)

The Post shall hire no full time employees or offer any benefits or bonuses to its part time employees other than their regular hourly rate of pay. All Employees are “At Will” employees under the labor laws of the State of New Hampshire.

Section 2. Officers of the Post (as defined under Article IV, Section one (1) through nine (9), shall not be hired as employees of the Post. The three (3) Executive Committee members are also not eligible under State Liquor Laws to be hired as paid employees. All Officers may however, volunteer their time without compensation, to fill any open positions.

Article XIII—Amendments

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members attending provided that the proposed amendment shall have been submitted in writing, read and approved at the previous regular meeting as outlined in Article IX, Section 4. And further, that written notice shall have been given to all members at least 10 days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon. No further amendments or changes may be made from the floor at the meeting held to hold the vote.

These By-Laws for E. Roger Montgomery Post 81, The American Legion, Department of New Hampshire, were approved on November 19, 2003 by the Post membership at a regular meeting.

Current List of Officers

Dick Cressy Commander	Scot Raney 1 st Vice Commander	Dick Lord 2 nd Vice Commander
Wayne Daniels Finance Officer	Bruce Henriksen Post Adjutant	Rick Dyer Sgt-at-Arms
Charlie Durgin Post Chaplin	Terry Blaser Post Historian	Bill Chapin Judge Advocate
Alan Johnson Executive Committee Member	Ralph Golec Executive Committee Member	George Neville Executive Committee Member