

Revised and approved at State Convention, June 2019.

AMVETS DEPARTMENT  
OF MICHIGAN  
CONSTITUTION AND  
BY LAWS  
**2019-2020**

**Appendix E: AMVETS Uniform Department Constitution**  
**(In accordance with Article IX, Section 10 of the National Constitution)**

**Section 1.** Departments shall be organized with a headquarters located as authorized by the department convention or an intervening State (Department) Executive Committee (SEC or DEC) meeting. Local posts shall be formed, and intermediate administrative groups may be created by the State Executive Committee to function within their respective jurisdiction where such action is deemed advisable. This appendix to the AMVETS National constitution shall be the constitution for all departments. Departments shall formulate By Laws to address those aspects of operation not covered in this constitution no later than July 1, 2007.

**Section 2.** Departments shall be composed of state officers—both elected and appointed—and the members of the State Executive Committee. It shall be the duty of the state officers to advance the cause of AMVETS, to carry out its aims and purposes, and to provide for realization of the plans and policies established by the mandates of the department convention and the State Executive Committee.

**Section 3.** Each department shall conduct its convention, to be held annually between May 15 and June 30, at which time it shall elect department Officers and its delegate and alternate to the national convention and its national executive committeeman and alternate. Elected department officers shall assume office not later than July 15. National executive committeemen and alternates shall assume office in accordance with Article VII, Section 4 of this Constitution.

**(a)** The department convention delegation shall be comprised as prescribed by the Department Bylaws.

**(b)** Each post shall choose a delegate(s) and an alternate(s) at a post meeting.

**(c)** The department commander shall vote only in the case of a tie.

**(d)** Each delegate shall be entitled to one vote. Alternates shall have all the rights and privileges of their delegates except they shall vote only in their delegate's absence. No delegate or alternate, however, shall be seated at the department convention unless the individual's accounts with department headquarters are fully paid up.

**(e)** No delegate of an accredited post shall be seated at the department convention unless the respective post shall be fully paid up in all its accounts with department headquarters and department districts. No post delegate or alternate shall be permitted to register as such unless the delegate or alternate shall have been a member in good standing on the department rolls for at least 30 days prior to the opening of said convention and possesses a membership card or other satisfactory evidence identifying the delegate or alternate as a member of the post from which the individual is registering.

**(f)** Departments shall specify convention quorum requirements in by laws or convention rules.

**(g)** No department convention bids shall be received on the convention floor unless they are previously submitted to the Department Finance Committee and/or the State Executive Committee, in accordance

with the rules of said committee, and in accordance with the rules and procedures of the State Executive Committee.

**(h)** Convention Chairmen shall be chosen in accordance with the Department Bylaws.

**(i)** The Convention Rules Committee, after reviewing and making necessary changes, shall present to the State Executive Committee at a regular SEC meeting, for its approval, the Rules of the Annual Convention following the SEC meeting at which the rules are considered. The Department Headquarters will then circulate those rules to the posts at least 30 days prior to the Annual Convention. The Rules of the Convention may be amended by a majority vote of the delegates assembled at the Annual Department Convention.

#### **Section 4.**

**(a)** The department convention shall elect a department commander, a department first vice commander, a department second vice commander, a department finance officer, a department National Executive Committeeman, a department Alternate National Executive Committeeman, a department provost marshal, a department judge advocate, and any other officers prescribed in the Department Bylaws.

**(b)** No member shall be eligible for any department office unless the individual is fully paid up in all accounts with the department headquarters 30 days prior to the opening date of the department convention.

**(c)** Departments shall specify candidate eligibility certification procedures in the bylaws or convention rules. The department commander, with the consent and approval of the State Executive Committee, shall appoint and have the power to remove a department chaplain, a department inspector general and such other officers and committee chairmen as specified in the Department Bylaws. These appointments shall be made at the post-convention SEC meeting.

**Section 5.** All elected and appointed department officers shall be members of the State (Department) Executive Committee. The authority for officers to vote on the State (Department) Executive Committee shall be prescribed in the Department By Laws.

#### **Section 6.**

**(a)** An elected officer may be removed from office only by a two-thirds vote of the Department Executive Committee after written charges against such officer shall have been preferred and furnished by certified mail to the officer concerned and to the members of the Department Executive Committee. A full hearing shall be held by the Department Executive Committee on charges preferred against an elected department officer. Such hearing shall be held not less than 30 days after the charges are referred and mailed.

**(b)** The procedure for removal from office of elected officers shall be prescribed by the State Executive Committee on recommendation of the department judge advocate in accordance with the UNIFORM

CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER *(AMVETS National Bylaws, Appendix B)*

**Section 7.** Department officers elected at a department convention shall be installed in office at a ceremony held at the Convention. The term of office shall be as prescribed in the Department Bylaws.

**Section 8.** In the event of a vacancy in the office of department commander, the department first vice commander shall succeed to that office, except that the Department bylaws may prescribe election of the department commander by the State Executive Committee. In the event of a vacancy in the office of the department first vice commander, the department second vice commander shall assume the office of department first vice commander. Any additional vice commanders specified in the department by laws shall similarly participate in succession.

**Section 9.** In the event of a vacancy in the office of the most junior vice commander, department finance officer, department provost marshal or department judge advocate, or other elected officer, regardless of the reason for such vacancy, the department commander shall appoint an AMVET to fill the vacant office for the unexpired term. Such appointment shall be with the approval of the State Executive Committee and the appointee shall be in compliance with all qualifications and restrictions regarding the holding of said office as set forth in any other article of the constitution and bylaws of AMVETS, except the requirement of election. On approval of the State Executive Committee, the appointee shall assume all powers and responsibilities pertaining to the office as though elected.

**Section 10.** The administrative power between department conventions shall be vested in the State Executive Committee, which shall be composed of the department commander, the department first vice commander and the department second vice commander, all other elected department officers, past department commanders and others as prescribed by the Department By Laws. Each of the above members shall be entitled to one vote except the department commander, who shall vote only in case of a tie, and except that the past department commanders present may be entitled to vote as prescribed in the Department Bylaws.

**Section 11.** Voting members of the State Executive Committee shall be delegates to the department convention, each entitled to one vote, providing their respective posts have complied with all the provisions of the department constitution and bylaws.

**Section 12.** The management of the Department budget as approved at the state convention shall be under the control of the State Executive Committee, which shall delegate sufficient general and specific authority to the Department Finance Committee, as authorized by the Department Bylaws, to carry out the usual duties of such committee. The Department Finance Committee, with the approval of the State Executive Committee, shall have the authority to retain independent investment experts as needed for consultation in supervising any and all AMVETS funds.

**(a)** The Department Finance Committee shall consist of members as prescribed in the department bylaws.

**(b)** The Finance Committee shall meet prior to each SEC meeting, or at other times as set forth in the department bylaws.

**(c)** The Finance Committee shall make an annual report to the department convention. Revenue shall be derived from annual dues and such other sources as may be approved by the State Executive Committee.

**(d)** The Finance Committee shall submit a provisional annual budget as prescribed in the Department Bylaws.

**Section 13.** The following provisions shall govern the establishment and administration of the budget of the Department Headquarters:

**(a)** The Finance Committee has the sole fiduciary responsibility to prepare and present a budget that is fiscally sound.

**(b)** In determining the budget, revenue shall be based on tangible assumptions and realistic and/or proven income projections to include revenue that provides funding for the operations and programs approved by the Finance Committee, State Executive Committee, and department convention.

**(c)** In the full execution of approved programs within the budget, expenses shall be budgeted as realistically as possible to ensure overall spending integrity.

**(d)** A contingency budget line shall be developed solely to address unexpected expenses during the operating fiscal year and included in the budget.

**(e)** In no case shall the Department Finance Committee or any other body of the department organization be permitted to adopt or approve a budget in which the expenses, provisions for capital expenditures and provisions for debt reduction exceed the income established above. Under no circumstances, however, shall the aggregate budget as approved by the Department Convention be over-expended. Violation of any of the foregoing provisions by any person shall constitute cause for disciplinary action, including removal from office or dismissal from employment.

**(f)** Any person who willfully violates any provision of this section shall, in addition to any other disciplinary action taken, be personally financially liable for any amount spent that exceeds the budget appropriations unless such excess had prior approval of the Department Finance Committee. Any salary or expense money due or to become due to such person may be retained by the organization to offset all or any part of the unauthorized over-expenditure.

**Section 14.** The Department Finance Committee shall have the power and authority to designate the depository banks or other financial institutions to receive deposits into various accounts belonging to the Department and to disburse such funds on checks signed by two or more persons designated by the Department Bylaws

**Section 15.** The fiscal year shall be designated in the department bylaws.

**Section 16.** Any resolution emanating from a department convention involving the expenditure of funds or any financial commitment shall be referred to the Department Finance Committee for approval. In reviewing resolutions adopted at a department convention, the Department Finance Committee shall

have three options: (1) provide funding from the newly adopted department budget, (2) defer funding pending appropriate planning by the department staff as part of the next fiscal year or (3) deny funding based on current and projected funding levels. If a resolution is denied or deferred because of a want of available funds within the meaning of Section 13 hereof, the Department Finance Committee shall report such decision to the Department Executive Committee at its next meeting.

**Section 17.**

**(a)** The State Executive Committee, after notice and hearing, may cancel, suspend or revoke the charter of any post for good and sufficient cause. Procedure for any such action shall be as prescribed by AMVETS National Bylaws, Appendix A.

**(b)** In the event of the cancellation, suspension or revocation of any charter of any Post, the suspended body shall have the right of appeal to the next department convention.

**Section 18.** As prescribed in the Department Bylaws, the department commander, after notice, may invoke and formulate a trusteeship to take over the operation of a post for good and sufficient reasons and for the well being of the AMVET organization.

**Section 19.** From among the voting membership of the State Executive Committee, the state commander shall appoint a State Grievance Committee, consisting of three members, to hear grievances and appeals as are provided for in this constitution and bylaws and to report its findings and recommendations to the State Executive Committee. The state commander shall designate the chairman. This committee shall function during the state convention, meetings of the State Executive Committee, and upon the call of the state commander or State Executive Committee. Such appointees shall serve at the pleasure of the state commander with the advice and consent of the State Executive Committee. The state commander and state judge advocate shall serve as ex-officio members of this committee without vote.



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**AMVETS DEPARTMENT OF MICHIGAN**  
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**ARTICLE I - NAME OF ORGANIZATION**

The name of this organization shall be AMVETS (American Veterans) Department of Michigan and shall be hereinafter referred to as the Department.

**ARTICLE II - ORGANIZATION**

1. The Department shall be composed of and organized into Districts and Posts, and it shall be administered and governed through a Legislative Department and Executive Department.

2. The Department shall be divided into Districts as follows:

DISTRICT I: Jackson, Lenawee, Monroe, Washtenaw, and Wayne Counties.

DISTRICT II: Bay, Huron, Lapeer, Macomb, Midland St. Clair, Saginaw, Sanilac, and Tuscola Counties.

DISTRICT III: Clinton, Eaton, Genesee, Ingham, Livingston, Oakland, and Shiawassee Counties.

DISTRICT V: Ottawa, Kent, Ionia, Gratiot, Montcalm, Muskegon, Oceana, Newaygo, Mecosta, Isabella, Calhoun, Branch, Hillsdale, Berrien, Cass, St. Joseph, Van Buren, Kalamazoo, Allegan and Barry Counties.

DISTRICT VI: Mason, Manistee, Osceola, Clare, Wexford, Missaukee, Kalkaska, Grand Traverse, Benzie, Lelanau, Charlevoix, Antrim, Emmet, Crawford, Oscoda, Alcona, Roscommon, Ogema, Iosco, Otsego, Gladwin, Lake, Arenac, Montmorency, Alpena, Presque Isle Cheboygan,



DISTRICT VII: Keweenaw, Houghton, Ontonagon, Iron, Baraga, Gogebic, Marquette, Dickinson, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac and Chippewa Counties.

### **ARTICLE III - DEPARTMENT CONVENTIONS**

1. A Department Convention shall be held annually. The time and place of any Convention shall be fixed by a previous Convention. The Department Convention shall function as the Legislative Department of the Department.

2. At least fifteen days prior to the Department Convention the Executive Director shall certify each Post membership as reflected by Department records. Each Post shall have ten days in which to protest and correct its certification if it does not reflect the true membership of the Post. The membership records of the Department Headquarters, five days before the Department Convention, shall be considered the official record of the membership for the purposes of the Convention.

3. Delegates and Alternate Delegates to the Annual Department Convention may be either appointed or elected by the membership of each Post in accordance with the Constitution & By-Laws of each Post. The elected members of the S.E.C., as enumerated in ARTICLE IV, sections 1, 2 & 3 of these Bylaws, and all Past Department Commanders, who shall be members of the AMVETS Department of Michigan at the time of the vote, shall have the right to cast one vote whenever personally present, provided however, that in no event shall any AMVET have more than one vote at such convention. Other members of the S.E.C. shall have the right to cast one vote as a delegate-at-large on all occasions except on the roll call of Posts. The Department Commander shall vote only in case of a tie.

A. Each Post will be required to pay a revalidation fee at the time of revalidating equal to the current pre-registration fee for two convention delegates. Upon successful revalidation the Post will be entitled to two delegates with no additional registration fee required. A post may request a waiver of fee's through the SEC due to extenuating circumstances.

B. Each Post shall be entitled to two delegates and two alternates for their first ten members; and one delegate and one alternate for each additional twenty-five members thereafter.

C. Each delegate shall be entitled to cast one vote, except on roll calls, when any delegate present may cast as many votes as the number of delegates have personally appeared and have registered at the convention. Further provided, no delegate shall be entitled to vote if the Post that he represents is delinquent in the following: District Dues, Certification of Election of Post Officers, submittal of a copy of the Post Constitution & By Laws or a Certificate stating no change from the previous copy, filing of Internal Revenue Form 990 for the previous calendar year with the U.S. Internal Revenue Service; if required by I.R.S. regulations, with a copy being sent to the Department and National Headquarters, and payment of all accounts due to the Department.

D. On June 1st of each year, Posts not having complied with the foregoing requirements shall be considered delinquent and ineligibility of their delegates to vote at the convention and shall remain until such time as said requirements are met in full.

4. Alternate Delegates shall have all the rights and privileges of delegates, except that of voting when the Delegate is present. The vote of an absent delegate may be cast by his alternate. Each delegate and alternate shall be a member of, and designated by, the Post he represents and must be present to cast his vote.

5. Sixty percent of the voting delegates duly registered for the convention shall constitute a quorum for the transaction of all lawful business before said convention.

6. Any person who transfers from one Post to another must be a member of the Post to which he has been transferred for at least 30 days before becoming eligible to represent said Post as a delegate or alternate at the Department Convention. This Section shall not apply to members of Posts that have chartered since the previous Department Convention.

7. All mandates and policies enacted by a convention shall be effective immediately upon adoption, unless such mandates or policies shall, by their own terms, otherwise provide. Provided it does not fall under the purview of Art IX Para 14 of this document.

8. All business meetings of the Department shall be conducted in an orderly manner with mutual respect and civil discourse. Any and all meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to the current edition of Robert's Rules of Order.

9. Resolutions shall be in written form, signed by a delegate or officer of the sponsor Post or District and submitted to the Chairman of the Resolutions Committee or the Department Headquarters, fifteen days prior to the opening of the Department Convention. Department Committees may present resolutions to the Convention after presenting the resolution to the Resolutions Committee at the Department Convention whenever possible. Resolutions may be presented on the Convention floor at the discretion of the Membership.

10. At the annual Department Convention, the out-going Department Commander shall be designated as the delegate to the National Convention, and the incoming Department Commander shall be designated as the Alternate Delegate to the National Convention.

*11. If testimonials are held at Department Convention they will replace the Convention Banquet.*

#### **ARTICLE IV - DEPARTMENT OFFICERS**

1. The Department Convention shall annually elect a Department Commander, 1st Vice Commander, 2nd Vice Commander, 3<sup>rd</sup> Vice Commander and Provost Marshal. A Finance Officer and Judge Advocate will be elected on the odd years and serve for a two year term.

2. The Department of Michigan's Representative and Alternate Representative to the National Executive Committee shall be elected by the Department Convention on the even years for two year terms and shall be designated as the National Executive Committeeman (NEC-Man) and Alternate National Executive Committeeman (Alternate NEC-Man) respectively.

3. Each District, at a District Council Convention or meeting prior to the Department Convention, shall elect a District Commander and an alternate who shall be the District 1st Vice Commander. The results of said elections shall be announced at the opening of Nominations and Elections of State Officers at the Department Convention. The District Commanders shall be installed in office with the other members of the State Executive Committee

4. The term of office of the elected Department Officers shall commence immediately upon the adjournment of the Department Convention, and they shall serve until the adjournment of the succeeding Department Convention and thereafter, until their successors have been chosen and installed.

A. The Department Commander may succeed himself in office for one additional term but serve no more than two consecutive years unless there is a need to succeed to such office as a result of a vacancy occurring between conventions and there are no other willing candidates.

B. The N.E.C.-Man or Alternate N.E.C.-Man shall not succeed himself in office except when he has succeeded to or been appointed to such office as a result of a vacancy occurring between conventions.

5. Vacancies in any of the elective offices occurring between Department Conventions shall be filled as follows:

A. In the event a vacancy shall occur in the office of Department Commander such vacancy shall be filled by the 1st Vice Commander for the unexpired term. In the event of a vacancy in the 1st Vice Commander position, the 2nd Vice Commander shall fill the term of the 1st Vice Commander for the remainder of the unexpired term. The S.E.C. shall then fill the vacancy in the Office of the 2nd Vice Commander.

B. Any vacancy other than that of the Department Commander, Department 1st Vice Commander or District Commander shall be filled by an election by the S.E.C. for the unexpired term of such office.

C. In the event of a vacancy in the Office of District Commander, the vacancy shall be filled by the District 1st Vice Commander for the unexpired term. In the event of a vacancy in the Office of District 1st Vice Commander, the vacancy shall be filled by the District 2nd Vice Commander for the unexpired term. The District Constitution & Bylaws shall determine the method of selecting other officers to fill vacancies.

6. All officers responsible for monies in the Department shall be bonded in accordance with requirements established by the S.E.C.

7. The Department Commander, with the consent and approval of the S.E.C., shall appoint a Chaplain, Inspector General, and Legislative Director. The Department Commander may also appoint an Aide-de-Camp to the Department Commander at his discretion. These appointments shall be for one year.

8. No person shall be eligible for any elected office on the S.E.C. unless proof of eligibility for membership in AMVETS has been recorded by the Convention Committee prior to the opening of

nominations for said office. Appointed members of the S.E.C. shall provide proof of eligibility for membership in AMVETS prior to approval of such appointment by the S.E.C. Any member anticipating running for office must be prepared to present his/her DD Fm 214.

9. Elected Department Officers shall be authorized to wear the "White Cap" designating that office during the term of that office and for succeeding years. Appointed officers, Department Service Officers, and Department Committee Chairmen may be authorized by the Department Commander to wear the "White Cap" designating that office, position, or committee during the term of the appointment only. Those AMVETS wearing a National Cap, by virtue of appointment, shall wear that cap during the term of the appointment only.

#### **ARTICLE V - EXECUTIVE DEPARTMENT**

1. The Executive Department shall be composed of the State Executive Committee (S.E.C) and Officers of the Department as shall be hereinafter provided.

2. The S.E.C. shall consist of the Department Commander, the 1st Vice Commander, the 2nd Vice Commander, the 3<sup>rd</sup> Vice Commander, the Finance Officer, the Judge Advocate, the Provost Marshal, the NEC-Man (or in his absence the Alternate NEC-Man only), each District Commander and the Immediate Past Department Commander. The Department Commander shall be the Chairman of the S.E.C and shall vote only in the event of a tie. The Executive Director shall be the secretary to the S.E.C. without a vote. The Legislative Director, Inspector General, Chaplain and Aide-De-Camp to the Department Commander shall be members of the S.E.C. without a vote.

3. The S.E.C. shall be responsible for the enforcement of the provisions of the Constitution and By-Laws of the Department and the Mandates of each Department Convention and the establishment of policies in accordance therewith, except as such mandates and policies shall be in conflict with the National Constitution & By-Laws, and Mandates of each National Convention. The S.E.C. shall maintain an expense reimbursement policy (if funds are available) for its members and S.E.C. meetings, which shall be instituted or changed only by a two-thirds vote of the S.E.C.

4. A majority of the voting membership shall constitute a quorum of the S.E.C.

5. The S.E.C. shall convene immediately following the adjournment of the Department Convention and transact necessary business that may come before the Committee, and thereafter, it shall meet at least three times before the next convention. Such meetings shall be called by the Department Commander at a reasonable time and place designated by him. Emergency meetings may be called by the Commander, or by two-thirds of the voting members of the S.E.C.

6. The Department shall maintain an Administrative Headquarters.

7. The Department Headquarters shall consist of the Executive Director and such other positions as the S.E.C shall authorize.

8. The Service Department shall be under the direction and direct supervision of the Service Director. The Service Department shall consist of the Service Director, Service Officers and such other personnel as the S.E.C. shall authorize.

## **ARTICLE VI - DUTIES OF OFFICERS**

1. **COMMANDER**: The Department Commander shall be the administrative head of the Department and shall carry out the duties imposed upon him by the Constitution and Bylaws and the Mandates of the Department Convention. He shall be the ex-officio member of all committees of the Department. He shall have the responsibility for the carrying out of all administrative acts on behalf of the Department, except as such acts shall be contrary to this Constitution and By-Laws, the Mandates of the Convention, and the policies and regulations established by the S.E.C. and Department Convention. The Department Commander may delegate authority to any other Department Officer whenever necessary.

2. **1st VICE COMMANDER**: The 1st Vice Commander shall perform all duties delegated to him by the Department Commander, and in the absence of the Department Commander at a function requiring his presence, shall act in the Department Commander's stead. He shall be the Membership Director for the Department and serve as Chairman of the State Membership Committee.

3. **2<sup>nd</sup> VICE COMMANDER**: The State 2nd Vice Commander shall coordinate all veteran welfare programs including but not limited to VAVS, White Clover, Civil Disaster, Carillon Committee, Family Welfare, POW/MIA, and Veterans Employment. The 2nd Vice Commander shall also:

1) Review and re-evaluate the existing veterans programs and report the recommendations to the Department Commander and to the State Executive Committee.

2) Coordinate all state veterans programs between national, department, district, and post levels. Includes responsibility for all program reporting requirements.

3) Be charged with the responsibility of studying and recommending new veterans programs to the Department Commander and State Executive Committee for consideration.

4) Be indoctrinated on all VAVS programs at the VA Hospitals, Clinics, and State Veterans Homes.

5) Serve as chairman of the department Veterans Welfare Committee.

4. **3<sup>rd</sup> VICE COMMANDER**: The State 3rd Vice Commander shall coordinate all post and district program chairmen. The 3rd Vice Commander shall also:

1) Review and re-evaluate the existing programs and report recommendations to the Department Commander and to the State Executive Committee.

2) Coordinate all state programs between National, Department, District and post levels.

3) Be charged with the responsibility of studying and recommending new programs to the Department Commander and State Executive Committee for consideration.

4) Be indoctrinated on all programs of the State organization and its subsidiaries, especially those involving contact with the general public.

5) Serve as chairman of the department Program Committee

6) Serve as Co-Chairman of the Department Americanism Program.

5. FINANCE OFFICER: The Finance officer shall assist in the preparation of the Annual Department Budget. He shall make a full report of the financial condition of the Department at the Annual Convention and at each meeting of the SEC. He shall assist Posts in establishing proper financial records and render such other and further financial services as the Department Commander shall require.

6. JUDGE ADVOCATE: The Department Judge Advocate shall be the Parliamentarian to the Department. He shall perform all duties assigned him by the SEC He shall perform such other duties as are required of him by this Constitution & Bylaws or by the Mandates of the Department Convention.

7. PROVOST MARSHAL: The Provost Marshal shall preserve order at the Department Convention and all other Department meetings. He shall be responsible for the presentation of the Department colors. He shall assist the Department Commander as the Commander may direct.

8. NATIONAL EXECUTIVE COMMITTEE MAN (NEC-MAN) & ALTERNATE NEC-MAN: The National Executive Committee Representative shall be the representative of the Department at the National Executive Committee Meetings and shall be responsible for making a full report of the N.E.C.'s actions and other pertinent information from the National Organization to the Department. In the absence of the NEC-Man, the Alternate NEC-Man shall perform the duties of the NEC-MAN.

9. DISTRICT COMMANDER: The District Commander or alternate shall represent the District on the S.E.C. The District Commander shall be the representative of the Department Commander in the District and shall perform such other duties as the Department Commander may require. The District Commander shall provide a written report to each SEC meeting except the Post-Convention and Emergency meetings.

10. EXECUTIVE DIRECTOR: The Executive Director shall be responsible for administrative and management duties, as outlined in the Personnel Regulations, for the Headquarters.

A. In addition to the above, shall insure Administrative compliance with the Department Constitution & By-Laws and convention mandates; be the custodian of all Department records and properties; to provide the necessary accounting services for the proper recording and reporting of Department funds; to edit and oversee the publication of the Michigan AMVET News in cooperation with the Communication and Technologies Committee; to edit and publish other publications, directives and reports of the Executive Department.

B. The Executive Director shall be responsible to the Department Commander.

C. The Department Commander, with the advice of the Personnel Committee, shall appoint an Executive Director with the consent and approval of the SEC, should a vacancy occur in the Office.

D. The Executive Director can be removed for just cause, in accordance with the provisions of the Personnel Regulations.

11. SERVICE DIRECTOR: (Exists only if Service Department is established) The Service Director shall be responsible for administrative and management duties, as outlined in the Personnel Regulations, for the Service Department personnel.

A. In addition to the above, shall insure Service Department compliance with the Department Constitution & By-Laws and convention mandates; be the custodian of all Service Department records and properties; to provide the necessary accounting services for the proper recording and reporting of Service Department funds; to edit and publish publications, directives and reports of the Service Department.

B. The Service Director shall be responsible to the Department Commander while directly reporting to the Service Foundation President.

C. The Department Commander, with the advice of the Personnel Committee and Service Foundation, shall appoint a Service Director with the consent and approval of the SEC, should a vacancy occur in the Office.

D. The Service Director can be removed for just cause, in accordance with the provisions of the Personnel Regulations.

12. CHAPLAIN: The Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to the appropriate ceremonial rituals and shall discharge such other duties as are usually incident to the office.

13. INSPECTOR GENERAL: The Inspector General shall be the investigating officer of the organization. By direction of the Department Commander or the SEC, he shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud, dishonesty within the organization and charges of conduct unbecoming an AMVET. He shall assume responsibility to report incidents to the Department Insurance Representative. He shall also be empowered to have access to all records, financial and otherwise, of Districts, Posts, Post Officers, and of members, when necessary for the discharge of his duties.

14. LEGISLATIVE DIRECTOR: The Legislative Director shall assist the Department Commander and the Executive Director in carrying out the Legislative Programs of the Department. He shall be the Chairman of the Legislative Standing Committee and be responsible for communicating with committee members and all Michigan AMVETS as necessary.

15. AIDE-DE-CAMP: Shall be the personal aide to the Department Commander and shall perform such duties as the Department Commander may require.

*NOTE: These References are standards. For full job descriptions see the AMVETS OFFICER MANUAL available at the AMVETS National Website: [Amvets.org](http://Amvets.org).*

## **ARTICLE VII – POSTS**

1. Posts in the Department may be formed by any ten eligible individuals making application to Department Headquarters, subject to the approval of the S.E.C. If the application is approved it shall be forwarded to National Headquarters for issuance of a Post Charter.
2. Posts shall be governed locally by the National and Department CBL's as well as their own officers chosen in accordance with their own Constitution & By-Laws. They shall be subject to and subordinate to the jurisdiction of the National, Department Headquarters and District, any provisions of a Post Constitution found to be in conflict with or contrary to the provisions of this Constitution shall be null and void.
3. All officers responsible for monies in Posts shall be bonded in accordance with the AMVETS National Constitution & bylaws.
4. The election of all Post officers shall be held annually between May 1st and June 30th and said officers shall be installed and assume office no later than July 15th of each year. Post Officers shall be installed in office by a member of the Department Executive Committee, a Past Department Commander, a National Officer, Past National Officer or, by any other AMVET in good standing of the Department who has attained at least the rank of Post Commander.
5. The S.E.C. may suspend, cancel, or revoke a Post Charter in accordance with the AMVETS National Constitution & bylaws.
6. In the event of the discontinuation of any Post for any reason or cause whatsoever, except the merger of two or more Posts, all records, funds and property shall be taken possession of and administered by the Department Headquarters in the interest of the remaining Post members.
7. Any Post proposing to locate or relocate a Post Home or a regular Post meeting place shall notify the Executive Director of its' intent in writing. If there is no Post within a one-half mile radius of said proposed location, the Executive Director shall so notify the Post within seven days of his receipt of the Post letter. The Executive Director shall notify, by registered letter, any Post which is already permanently established within the one-half mile radius of said proposed new location. If, after fifteen days from the date of sending said notice, no objection is received on said new location, the Post shall be free to establish in the proposed new location. If, however, written objection is received from the established Post the S.E.C. shall hold a hearing on the objection and approve or disapprove the Post's proposed location.
8. Any Post failing to supply certification of elections of Officers to Department on the forms provided for this purpose within thirty (30) days of that election, shall have their Charter considered in a state of suspension, and shall be subject to disciplinary action as provided for by the S.E.C.

#### **ARTICLE VIII - DISTRICTS**

1. The Department shall be divided into as many Districts as may be required to facilitate the conduct of business.



2. Each District shall establish a Constitution & By Laws to govern its own organization. Such Constitution & bylaws shall not be valid until approved by the Department Judge Advocate.
3. Districts are primarily established for the purpose of coordinating the activities of Posts in an area.
4. Each District is authorized to enact whatever administrative and fiscal policies and procedures as may be necessary to operate efficiently as a District, including the authority to establish dues from the member posts.
5. Posts within a District shall pay dues to the District if so provided for in the District Constitution & Bylaws. Such dues shall be used for administrative purposes and membership programs. Any other funds that the District may need for any other purpose shall be solicited from the Posts on a voluntary basis or derived from fund-raising projects of the District. In the event of the discontinuation of any District for any reason all records, funds and property shall be taken possession of and administered by the Department Headquarters.
6. Posts that are in an adjoining County to another District may transfer to that District with the following approval steps:
  - A. A Post meeting must be held and at least 75% of the voting members present must approve the transfer.
  - B. Both Districts must approve the transfer.
  - C. The S.E.C. must approve the transfer.
7. District officers other than the District Commander may be installed in office immediately after election to said office. However, all District officers shall assume the duties of their offices after the adjournment of the Annual Department Convention.

#### **ARTICLE IX – FINANCES**

1. Revenue shall be derived from annual dues and other sources approved by the S.E.C. Annual dues shall be prescribed by the Department Bylaws.
2. The fiscal year for the Department shall commence on June 1st of each year.
3. All Department finances shall be under the control of the S.E.C., which shall delegate sufficient specific authority to the Finance Committee and the Department Finance Officer under the provisions of ARTICLE XI Section 6, and ARTICLE VI Section 5 of the Department By-Laws, to carry out the usual duties of such Committee or position.

4. All monies received by this organization shall be strictly and accurately accounted for. All Post, District and Department accounts shall be kept in accordance with a uniform accounting system as established by the Department.
5. The minimum annual dues shall be twenty seven dollars (\$27.00), payable to the Post, of which the sum of twenty seven dollars (\$27.00) shall be forwarded to the Department Headquarters. The Department Headquarters shall issue membership cards and shall retain twelve dollars (\$12.00) and forward fifteen dollars (\$15.00) to National Headquarters. A Subscription fee of fifty cents (\$.50) for the Michigan AMVET publication and technology is included in the Department share. Dues above the minimum set forth herein shall be fixed and retained by the Post.
6. One dollar of the dues received from each new or renewed Annual Member shall be used for the Annual Membership Program, which shall be administered by the Department Membership Committee as defined in ARTICLE XI Section 11 of the Department Bylaws.
7. The Life Membership fees shall be not less than two hundred thirty seven dollars and fifty cents (\$237.50) payable to the Post of which two hundred thirty seven dollars and fifty cents (\$237.50) shall be forwarded to Department Headquarters. The Department Headquarters will forward one hundred twenty five dollars (\$125.00) to the National Headquarters. The amount received by the National and Department for current annual dues may be deducted from Life Membership fees. Any dues above the minimum set forth herein shall be fixed and retained by the post.
8. The Life Membership Fund Balance as of June 1, 1991, and the total Department of Michigan portion of all Life Membership receipts after that date will be restricted funds and will not be available for annual operating budget purposes. However, the earnings produced by the investment of the Life Member Fund will be available to the Finance Committee for annual budgetary purposes, if deemed necessary.
9. Invasion of the principle of the Life Membership Fund may be accomplished only by an affirmative vote of more than two-thirds of each of all three following bodies: The Finance Committee, the S.E.C., and the Department Convention.
10. The Finance Officer shall make an annual report to the Department Convention.
11. The Finance Officer and Executive Director shall meet annually between June 1st and the opening of the Department Convention to formulate a budget for that fiscal year. The Finance Committee shall review the proposed annual budget and present it to the newly elected S.E.C. for approval at the Post Convention S.E.C. meeting.
12. The Finance Committee in conjunction with the Finance Officer and Executive Director shall, upon direction of the S.E.C., or upon request of three voting members of the Finance Committee, meet during the Fiscal year to consider any changes to the Annual Budget. Any new proposed program or changes to the Annual Budget must be approved by the S.E.C.

13. When budgeting, no income items will be budgeted at more than one hundred percent of the prior Fiscal Year's income. Life Membership income shall be excluded from all budgetary estimates for other than information purposes.

14. Any resolution emanating from a Department Convention involving the expenditure of funds or any financial commitment shall be referred to the Finance Committee for approval. In the event the Finance Committee disapproves the proposal for financial reasons, such disapproval must be submitted to the S.E.C. for ratification or rejection. If a disapproval by the Finance Committee is made because of a want of available funds within the meaning of this ARTICLE, then in that event, a mere report of action need be made to the S.E.C. for approval or disapproval.

15. In no case shall the Finance Committee or any other bodies of the Department be permitted to adopt or approve a budget in which the expenses, provisions for capital expenses, or provisions for debt reduction exceed the income established above. Under no circumstances shall any authorized expense item be over expended. Violation of any of the foregoing provisions by any officer or employee of the Department shall constitute cause for disciplinary action, including potential removal from office or dismissal from employment.

16. All Executive Department Financial Reports will be segregated as to: Commander's Expenses, Legislative Expenses, and all other Income and Expenses shall be segregated as determined by the Finance Officer and Executive Director. All financial reports will include percentile comparisons to the budget for each income and expense item.

17. All contracts with a value in excess of one thousand dollars will be reviewed and approved by the Finance Committee and the S.E.C., action by either committee may be by ballot, if necessary.

A. All contracts with a value of one thousand dollars or less shall be reviewed and approved by the Finance Committee Chair and by the Department Commander.

B. All contracts shall be subject to a review by the Judge Advocate, including the use of counsel, as may be deemed necessary.

C. All contracts shall be certified by the Department Commander and the Judge Advocate as to the above reviews and approvals.

18. Checks against all funds of the Department shall be signed by two of the following officers; the Department Commander, 1<sup>st</sup> Vice Commander, the Finance Officer, or the Executive Director. The Service Director shall be authorized to sign Payroll Checks in the event the Finance Officer and the Executive Director are not available.

19. All Department and post officers handling AMVET funds shall be properly bonded with money handled over \$5000 with a good and solvent bonding and surety company, acceptable to the United State Treasury or have a crime dishonesty policy in their insurance which covers the average amount of AMVET funds handled by such individual in a single year.

20. All Post accounts shall be kept in accordance with a uniform accounting system established by National Headquarters.

21. Any donation accepted by members of Posts, whether services, contract, monetary or otherwise, must be approved by a two-thirds vote of the Post Executive Committee before such donations can be accepted.

22. A Facilities and Equipment Fund will be maintained for the purpose of reserving monies for such future expenditures. The existing Car Fund will comprise the beginning balance of this fund.

A. Planned expenditures from the Facilities and Equipment Fund, will be budgeted, at the time of preparing the budgets for the Department.

B. Specific expenditures for budgeted facilities and equipment items will require a minimum of two bids and a majority agreement of the Commander, the Finance Officer and the Finance Committee Chair.

C. Specific approval for non-budgeted facilities or equipment items will first require two-thirds approval of the Finance Committee, then two-thirds approval of the S.E.C., or Convention approval to be included in the budget. Upon obtaining budgetary approval, expenditures must follow the procedure outlined in paragraph B above.

23. In case of delinquencies in the payment of accounts due to the Department or National Headquarters, action shall be taken at once by the proper officer to bring about an immediate and complete settlement.

#### **ARTICLE X - SUBORDINATE ORGANIZATIONS**

1. All Subordinate Organizations recognized by the Department shall be under the jurisdiction of the Department and are authorized to operate within the State of Michigan only.

A. The Constitutions & By-Laws of all Subordinate Organizations shall be submitted to and reviewed by the Department Judge Advocate annually and revisions approved by the S.E.C. A current Constitution & By-Laws of each Subordinate Organization shall be kept on file in the Department Headquarters.

B. The financial books, records, vouchers, cancelled checks and bank statements of each Subordinate Organization shall be audited at least once annually by the Department Audit & Review Committee. The report of the audit will be made to the S.E.C. and to the respective Subordinate Organization.

C. Discipline and appeals of members of Subordinate Organizations will be as outlined in the respective Constitution & By-Laws, if they so provide. Any such matters unresolved within the specific Subordinate Organization Department, or occurring in a Subordinate Organization without such Constitutional provisions shall be subject to the provisions of this Constitution & By-Laws.

D. Each Subordinate Organization shall submit a report of progress and is authorized a representative to make the report at each AMVETS S.E.C. meeting, except the Post-Convention S.E.C. meeting. The report shall include progress of programs, membership strength, and a financial report.

E. Each Subordinate Organization shall submit to Department Headquarters an Officers List, including name, address, Zip Code, telephone number and e-mail address (if available), within thirty (30) days of the election of their officers.

F. Membership eligibility in Subordinate Organizations shall be in accordance with the Constitution & By-Laws of that organization.

2. The Department recognizes a Subordinate Organization known as the AMVETS Ladies Auxiliary Department of Michigan.

3. The Department recognizes a Subordinate Organization known as the AMVETS Sad Sacks Department of Michigan.

4. The Department recognizes a Subordinate Organization known as the AMVETS Michigan State Service Foundation.

5. The Department recognizes a Subordinate Organization known as Junior AMVETS Department of Michigan.

6. The Department recognizes a Subordinate Organization known as Sons of AMVETS Department of Michigan.

7. The Department recognizes a Subordinate Organization known as the AMVET Riders Department of Michigan.

## **ARTICLE XI - STANDING COMMITTEES**

### **1. Americanism Committee.**

*The Americanism Committee shall consist of 6 members of AMVETS, 5 Auxiliary and 2 Sons of AMVETS. The Chair shall be the Department 3<sup>rd</sup> Vice Commander, and the Co-Chair shall be the AMVET Ladies Auxiliary Americanism officer and the Sons of AMVET Commander.*

### **2. Armed Forces & Foreign Relations Committee.**

The Armed Forces & Foreign Relations Committee shall consist of 5 members. The Chair shall be appointed by the incoming Commander at the Post Convention SEC and the remaining members shall be appointed by the Chair.

### **3. Audit and Review Committee**

A. The Committee shall consist of 5 members including a chairman. The committee members shall be selected as follows:

(1). Two members shall be appointed annually at the Post-Convention S.E.C. of these, one member shall be appointed by the newly elected State Commander and one member shall be appointed by the Immediate Past State Commander. The foregoing appointments shall be with the advise and consent of the S.E.C. The appointees for the Audit and Review committee shall serve two year terms.

(2). The newly elected State Commander shall appoint a Chairman of the Committee in addition to those appointed in accordance with Sub-Section (1) above. The Chairman shall serve a one year term, and said appointment shall not require the advice and consent of the S.E.C.

(3). The newly elected State Commander shall appoint two alternates for one year terms. Said appointments shall not require the advice and consent of the S.E.C.

B. This committee shall review all Department financial records at each state executive meeting and the records of all Subordinate Organizations as necessary, but at least annually. The committee shall have the authority to schedule any and all such reviews.

C. If deemed necessary by the Committee, an independent audit may be arranged.

D. The Audit & Review Committee shall affect operational guidelines which shall require the approval of the S.E.C.

E. The Chairman of the Audit & Review Committee shall submit a written report of the Committee's activities to each S.E.C. meeting except the Post-Convention Meeting, unless otherwise directed.

### **4. Constitution & Bylaws Committee**

A. The committee shall consist of 6 members and the Department Judge Advocate who shall Chair the committee. The incoming Department Commander shall appoint one of the six members at the Post convention SEC and the Judge Advocate shall select the remaining members.

B. This Committee shall have the responsibility for any matters pertaining to the Constitution and Bylaws and shall coordinate any amendments by reporting and recommending such to the SEC and according to procedure, to the membership.

C. This Committee shall report directly to the Department Commander.

## **5. Convention Committee.**

A. The Committee shall consist of 6 members including the 2<sup>nd</sup> Vice Commander as Chair and the Commander of the District where the event will occur who shall be appointed by the Department Commander. The remaining members shall be appointed by the Chair. The Executive Director shall be an advisory member, without vote.

B. The AMVETS Convention Committee shall operate under guidelines and regulations as approved by the S.E.C.

C. The Convention Committee shall provide and be responsible for an Annual Department Convention and an Annual Fall Conference and Spring Conferences. Bids for locations of Conventions and Conferences shall be presented to the S.E.C. for their recommendation and to the Convention for approval at least two years in advance of the event when feasible.

D. The Convention will be held after the first weekend in June and before the first weekend in July.

E. The Fall Conference will be held after the second weekend of Sept and before the second weekend of October.

F. *The Mid Winter Conference shall be held the third weekend in February.*

**6. Finance Committee**, *which shall consist of 5 voting members and two advisory members, and shall be composed as follows: The Department Commander, the Department Finance Officer, 2 members to be appointed at the Post-Convention S.E.C. meeting, with the concurrence of the S.E.C., as follows: one each year for a two year term by the Department Commander; one each year for a two year term by the Immediate Past Department Commander. The Executive Director, Department Judge Advocate, shall serve as advisory members. The commander shall appoint the Chair from these members.*

A. In the event any of the foregoing members of the Finance Committee, other than the President of the Service Foundation, are unable to serve on the Committee for any cause whatsoever, then and in that event, the Department Commander may appoint another member of the AMVETS Department of Michigan to serve the unexpired term of said member, with the concurrence of the S.E.C.

B. In the event the President of the Service Foundation is unable to serve for any cause whatsoever, then and in that event, the members of the Service Foundation shall select from among its full voting members a member to serve on the Finance Committee.

C. In the event a voting member of the Finance Committee is elected or appointed to another position within the Department or its Subordinate Organizations which would cause him to become a member of the Finance Committee by virtue of that Office, the Department Commander, with the concurrence of the S.E.C., shall appoint another member of the Department to fill the unexpired original term of that member.

D. At the Post-Convention S.E.C. meeting the newly elected Department Commander shall appoint a Chairman of the Finance Committee from among the voting members of that committee, with the concurrence of the S.E.C. The Chairman of the Finance Committee shall vote only in the case of a tie.

E. The Finance Committee is hereby authorized to formulate fiduciary rules and regulations that shall be adhered to by all entities of the Department, which shall be named in those regulations. Those rules and regulations shall be subject to approval by the S.E.C. and reviewed annually.

F. The Finance Committee shall be responsible for the Annual Budget and shall prepare such budget at least 60 days prior to the annual Convention. All subordinate organizations, standing committees and the Executive Director shall prepare, provide and present recommended budgets to the Finance Committee at or prior to the Spring SEC each year. The final draft budget shall be presented to the SED and ratified by the membership at the annual Convention for implementation at the Post Convention SEC.

## **7. AMVETS Higgins Lake Lodge Maintenance & Advisory Committee.**

A. The Higgins Lake Board shall consist of 5 voting members of which one shall be the Department Commander. The Commander appoints the Chair who shall be responsible for ~~selecting~~ appointing the remaining four members of the Committee who will be AMVETS **as a two-year appointment**. There will be ~~four~~ **three** additional members appointed, one from the AMVETS Auxiliary Department of Michigan, and one from the AMVETS Department of Michigan Sons of AMVETS, one from the AMVET Riders ~~and one from the Sad Saes~~ each of whom will not have a vote, to be appointed by their respective organizations. The commander shall cast an additional vote in the event of any tie. A quorum will be 3 of the voting members.

*B. The purpose of this committee shall be to advise, recommend, maintain and improve the lodge facility and grounds. The committee Chairperson works directly with the Lodge Manager/ED and reports directly to the Department Commander and the SEC.*

C. The commander, Chairperson and subordinate organizations shall make every attempt to appoint those persons to the committee that have backgrounds in the following ;leadership, business processes, marketing, event planning, accounting, carpentry, electrical, plumbing, painting, roofing, landscaping etc.

D. The committee, through the appointed chairperson, will have access to the Lodge Manager (Department Executive Director) and information about the processes and procedures for all Lodge functions including all lodge financial reports.

E. Only the chair of the committee will have direct access to the ED/Lodge Manager. All other committee members must direct any questions, concerns and recommendations through the Lodge Chairperson. The chair will have continuous communication with the ED/Lodge Manager.

F. The committee shall meet no less than three times per year prior to each Department meeting (Fall conference, Spring SEC and Annual Convention). Minutes will be recorded of all meetings and submitted to the Lodge Manager/ED within 10 days of the meeting. The chair shall provide a complete



and thorough report and submit to the Executive Director on the activities of the committee for each department meeting. The meetings will be held at the Lodge.

G. The committee chairperson shall submit a budget as agreed to by the committee as directed in the department by-laws.

H. Committee members shall have a nights stay at no charge when they are at the lodge conducting committee business. The commander is to pre-approve all such requests from the Executive Director/Lodge Manager through the chairperson. No exceptions.

**8. The Homeless Veterans Committee.**

The committee shall consist of 5 members, to be appointed by the Department Commander who shall designate the Chair; the committee shall consider issues and resolutions concerning homeless veterans.

**9. Honors and Awards Committee.**

A. The Committee shall consist of all Past Department Commanders. The Chairman shall be the second year Immediate Past Commander.

B. The Honors and Awards Committee shall operate by the rules and make awards by guidelines, as may be revised from time to time by the committee and approved by the S.E.C. and distributed to all Posts by Department Headquarters.

**10. Legislative Committee.**

A. The committee shall carry out the Mandates of the Department Convention, the SEC and the programs completed by the committee.

B. The Department Commander shall appoint the Legislative Director. The Department Commander may appoint up to two additional members for one year terms and the Legislative Director shall appoint the other necessary members.

C. The Legislative Director shall be the Chairman of this committee which will consist of five members. The Executive Director shall be a nonvoting member of the committee.

**11. Membership Committee.**

A. The Committee shall consist of District 1st Vice Commanders or their designated representative. The other members shall be the Department 1st Vice Commander, who shall serve as the Committee Chairman and shall vote only in case of a tie; the Department 2nd Vice Commander, who shall serve as the Vice Chair, the Department Public Information Officer; and four additional voting members, who shall be appointed by the Department Commander, and shall serve for terms of one year. The Executive Director shall serve as a non-voting advisor to the committee and shall serve as the Committee Secretary.

B. It shall be the duty of the Membership Committee to review and update annually, the Membership Incentive and Membership Programs at a meeting which shall be in conjunction with the Spring SEC. Additional meetings shall be at the call of the Committee Chairman.

C. The committee shall have at its' disposal, funds specifically designated by this Constitution and/or the Annual Budget of the Department.

D. Membership Incentive and Membership Promotion Programs shall be reviewed by and be subject to approval by the S.E.C.

**12. National Commander's Tour Committee.**

A. The Committee shall consist of the Department Commander, the N.E.C Man, the National Aide-de-Camp (if accompanying the Nat. Cdr.), and the Department Executive Director. The District Commander of the District in which functions are to be held shall be invited to attend all functions within that District. Commanders/ Presidents of Subordinate Organizations shall be invited at the expense of their respective organizations.

B. The Committee shall plan the Annual National Commander's Tour; it shall formulate a budget request for presentation to the Finance Committee for inclusion in the annual Department budget.

C. Except for the Alternate N.E.C replacing the N.E.C Man if he is unable to attend, only those referred to in paragraph A above shall accompany the National Commander on the Tour.

**13. Personnel Advisory Board.**

A. This Board shall consist of the five Immediate Past Department Commanders. The senior member of this group shall be Chairman.

B. In case of a vacancy occurring on the Board, the Department Commander shall appoint any Past Department Commander to fill the vacancy. A Past Department Commander appointed to fill a vacancy on the Board shall not serve as chairman of the Board except in such term of the Past Department Commander whom he is replacing.

C. The Advisory Board shall assist and advise the Commander on all phases of operation of the Service Department.

D. The Advisory Board shall also be responsible to the S.E.C. for establishing Personnel Policies and Procedures.

E. The Advisory Board shall assist in the establishment of Personnel Budgets and be of assistance to the Commander, the Executive Director & Service Director in establishing overall Department Budgets.

**14. Programs Committee.**

This Committee shall consist of 8 members including the Department 2<sup>nd</sup> Vice Commander as Chair, the Department 3<sup>rd</sup> Vice Commander and all District 2<sup>nd</sup> Vice Commanders or their designated representative.

#### **15. Strategic Planning Committee**

A. The Committee shall consist of five members. The Incoming Department Commander shall appoint the Chair at the Post Convention SEC. The First Vice Commander shall serve on this Committee along with four others to be appointed by the Chair also at the Post Convention SEC.

B. The Committee shall have the responsibility of developing a three year strategic plan for the entire Department using as a basis for its plan the AMVETS Mission Statement.

C. The Strategic Plan shall be drafted to present to the SEC at the Spring Conference for their review and recommendation to present to the membership at the following Convention.

D. Each year, the Strategic Plan shall be presented to the membership and voted upon at the State Convention.

#### **16. Technology and Communications Committee**

A. This Committee, shall consist of five members, Chaired by the Public Information Officer with four additional members appointed by the Chair at the Post Convention SEC.

B. The duties of the committee shall be established by the Department Executive Committee to include:

(1) Web site maintenance and updates. The committee shall have sole responsibility for this function with the assistance of the Executive Director through the contracted web master.

(2) Oversight and recommendations for communication objectives of the Department to include social media.

(3) Oversight and recommendations of AMVETS State publications.

#### **ARTICLE XII - NATIONAL MEMORIAL FLOWER**

1. The National Flower shall be the four-leaf White Clover, meaning "think of me".

2. The sale of the White Clover shall be under the control of Department Headquarters and under the rules and regulations established by the S.E.C.

3. All proceeds from the sale of White Clovers by Posts, Districts, or the Department shall be used exclusively for Service and Welfare Work and for the promotion of the sale of the White Clovers. The S.E.C. shall establish procedures to assure compliance with this provision.

### **ARTICLE XIII - DEFINITIONS**

1. Where the words in the masculine gender are used herein, the words shall be deemed to include the equivalent words in the feminine gender.

2. In all cases where these Constitution and By Laws require notification, the process of notification shall include communication of such notification by means to include: U.S. Postal Service or other such private service (e.g. UPS) and electronic communication (e.g. email, text messaging, or other social media) so long as all appropriate persons are duly notified and record of such communication shall be kept by the sender until the issue is settled.

### **ARTICLE XIV – POLICY**

1. No member of AMVETS shall represent or purport to represent the Department, any District, Post or Subordinate Organization of AMVETS in opposition to, or other than in complete consonance with policy so determined and notified.

2. No statements of Department policy or proprietary information shall be released to any entity without prior approval of the Department Commander and/or the Executive Director.

### **ARTICLE XV – DISCIPLINARY PROCEDURE AND OUTSIDE ACTIONS AGAINST THE AMVETS ORGANIZATION**

1. Any outside actions brought after July 1, 2012 against the AMVETS Organization (civil actions) prior to the exhaustion of all remedies allowed under Appendices A & B of the AMVETS National Constitution and By Laws and the Grievance Procedures of the Department’s Constitution, Section 19, shall cause immediate revocation of the membership of the litigating member(s).

2. Any outside actions brought after July 1, 2012 against the AMVETS Organization (civil actions) after the exhaustion of all remedies allowed under Appendices A & B of the AMVETS National Constitution and By Laws and the Grievance Procedures of the Department’s Constitution, Section 19, shall cause immediate suspension of the membership of the litigating members(s) until such time as this outside litigation has been fully adjudicated. The suspended member(s), after adjudication is complete, may apply for reinstatement of their membership to the SEC who shall rule upon this reinstatement within fourteen (14) days of the date that the application is received by the Executive Director or Commander on behalf of the SEC.

### **ARTICLE XVI – INDEMNIFICATION**

1. Any Person made a party to any legal action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director or Officer of the organization shall be indemnified by the organization against judgments, fines, amounts paid in settlement and reasonable expenses (including fees of an attorney retained with consent of the organization) to the extent permitted by law. A Director or Officer shall not be entitled to indemnification for those items which he/she may be personally liable to the organization as described below in the section.

2. A volunteer Director of the organization shall not be personally liable to the organization (or its members or Directors) for the monetary damages for breach of fiduciary duty as Director, except for liability:

A. for any breach of the Director's duty or loyalty to the organization.

B. for acts or omissions not in good faith or that involves international misconduct or knowing violation of law;

C. for violation of Section 551 (1) of the Michigan Business Corporation Act.

D. for any transaction from which the Director derived an improper personal benefit.

E. for any act or omission that is grossly negligent and:

F. for any act or omission occurring before the date this Article is filed by the Michigan Department of Commerce.

G. The organization assumes all liability to any person other than the Corporation, its members or directors for all acts or omissions of a volunteer director after the approval date of this constitution and by-laws.

## **ARTICLE XVII - AMENDMENTS**

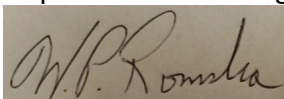
These By-Laws may be amended at any Department Convention without prior notice by a majority vote of the total authorized delegates present. Amendments shall become effective immediately upon adoption unless another effective date is included in the adopted resolution of amendment.

Carol Hebert  
Executive Director/Adjutant/Secretary  
AMVETS Department of Michigan

These Department By laws were approved by more than 2/3 of the delegate present at the June 2019 Convention and are effective immediately upon approval of the State JA and the National JA, this document supersedes all previous editions.

Approved:

Department of Michigan JA



National JA