

The American Legion



**OELSCHLAEGER-DALLMANN
POST NO. 434
The American Legion
Department of Wisconsin**

9327 South Shepard Avenue
Oak Creek, Wisconsin 53154

Constitution & By-Laws

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**CONSTITUTION OF
OELSCHLAEGER-DALLMANN
POST NO. 434
The American Legion
Department of Wisconsin**

PREAMBLE

FOR GOD AND COUNTRY, WE ASSOCIATE OURSELVES TOGETHER FOR THE FOLLOWING PURPOSES:

To uphold and defend the constitution of the United States of America; To maintain law and order; To foster and perpetuate a one hundred percent Americanism; To preserve the memories and incidents of our associations in the great wars; To inculcate a sense of individual obligation to the community, state and nation; To combat the autocracy of both the classes and the masses; To make right the master of might; To promote peace and good-will on earth; To safeguard and transmit to posterity the principles of justice, freedom and democracy; To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

NAME:

Section 1. The name of this organization shall be Oelschlaeger-Dallmann Post No. 434, The American Legion, Department of Wisconsin.

ARTICLE II

OBJECT:

Section 1. The objectives and purposes of this Post shall be to promote the principles and policies, as set forth in the foregoing preamble, and the National and Department of Wisconsin Constitutions of The American Legion.

ARTICLE III

NATURE:

Section 1. This Post is a civilian, non-profit organization and membership therein does not affect, nor increase, liability for military or police service.

Section 2. Rank does not exist in the American Legion. No member shall be addressed by his/her military title in any convention or meeting of the American Legion.

Section 3. The American Legion shall be absolutely non-political and non-sectarian, and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office.

Section 4. Criterion for holding office in this Post shall be limited to the same used for joining the American Legion without regard to sex, religion, color or creed, except as governed by Article V, Section 2 of the Post By-Laws.

ARTICLE IV

ELIGIBILITY FOR MEMBERSHIP:

Section 1. Any person shall be eligible for membership in the American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty at some time during any of the following periods:

- a. WWI: April 6, 1917 to November 11, 1918
- b. WWII: December 7, 1941 to December 31, 1946
- c. Korean War: June 25, 1950 to January 31, 1955
- d. Vietnam War: February 28, 1961 to May 7, 1975
- e. Lebanon/Grenada: August 24, 1982 to July 31, 1984
- f. Panama: December 20, 1989 to January 31, 1990
- g. Gulf War/War on Terrorism: August 2, 1990 to Present

Additionally, United States Merchant Marines serving during the World War II period are also eligible.

As determined by the government of the United States; all inclusive, or who being a citizen of the United States, at the time of his/her entry therein, served duty in the Armed Forces of any of the governments associated with the United States during any of the said periods; provided however, that such service shall have been terminated by honorable discharge or honorable separation or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject oneself to military discipline or unqualified service.

Section 2. Application for membership in the Post shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee. Said application to be made on forms supplied by the American Legion.

Section 3. Eligibility of all applicants for membership shall be considered and acted upon at the next Post Executive Committee meeting, following the making of said application. A majority vote of the Committee shall accept or reject said application. All accepted applications, shall be certified and referred to the membership at the next Post meeting. Any application, which is disapproved, shall not be referred to the Post membership, except upon written petition by the applicant for Post action.

Section 4. There shall be no form or class of membership, except an active membership, and dues shall be paid annually. Life or Honorary Life membership may be given by the Post as prescribed in Article III, Sections 2 and 3 of the Post By-Laws.

Section 5. No person may be a Legion member of more than one Post at the same time.

Section 6. A member whose dues for the current year have not been paid by January first (1st) shall be classified as delinquent. If his/her dues are paid on or before February first (1st) he/she shall be automatically reinstated. If he/she is still delinquent after February first (1st), he she shall be suspended from all privileges. IF he/she is still under suspension on December thirty-first (31st) of such year, his/she membership in the American Legion shall be forfeited. A member so suspended or whose membership has been forfeited, may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. The Post at its option may also require a member whose membership has been forfeited to pay one (1) year's arrears in dues, as well as the current year's as a condition to reinstatement.

Section 7. Any member of the Post may be suspended or expelled from the American Legion upon proper showing of cause by a two-thirds vote of the Executive Committee. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of the American Legion. All charges must be made under oath and in writing by the accusers, and no member in good standing shall lose his/her membership until given a fair trial by the Post, in such manner and form as the Department of Wisconsin By-Laws and the Department of Wisconsin Executive Committee shall prescribe.

Section 8. Any member who has been suspended or expelled has the right of appeal to the Department of Wisconsin Executive Committee according to the provisions of the By-Laws of the Department. The decision of the Department of Wisconsin shall be final.

Section 9. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 10. No person who has been expelled by a Post shall be admitted to membership in the Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in the Post, and shall be ineligible for membership until such permission is granted.

Section 11. Membership may be transferred from one Post to another upon request, unearned dues remaining with the Post of the first membership, on forms provided for this purpose. These forms to be initiated by the Post, to which, the member is transferring.

ARTICLE V

OFFICERS:

Section 1. The administrative affairs of this Post of the American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of three (3) members in addition to the Post Commander, Post Vice Commanders, Immediate Past Post Commander, Adjutant, Finance Officer, Judge Advocate, House Committee Chairman and Grounds Committee Chairman.

Section 2. The Officers of this Post shall be a Commander, 1st Vice Commander, 2nd Vice Commander, Adjutant, Finance Officer, Service Officer, Historian, Chaplain, Judge Advocate, two (2) Sergeant-at-Arms, and such other officers as may be deemed necessary by this organization.

Section 3. The Post Commander, two (2) Vice Commanders, Finance Officer, Historian, Chaplain and two (2) Sergeant at Arms shall be elected annually by ballot by a majority vote of the members present at the regular meeting in May. Nominations for such offices are to be made from the floor and/or by a nominating committee consisting of past Post Commanders at the regular Post meeting in April or the election meeting.

Section 4. The Adjutant, Service Officer and Judge Advocate shall be appointed by the newly elected Post Commander, before the installation of officers and subject to approval of the Executive Committee. Such other officers are to hold office at the pleasure of the appointing power with the approval of the Executive Committee and/or the Membership.

Section 5. All officers to be installed for the coming Legion year must have their dues for the ensuing year paid on or before installation.

Section 6. Installation of newly elected officers shall be held prior to June 30th of the election year. The newly elected officers shall assume the duties of their office July 1st, following their installation.

Section 7. Every member in good standing shall be eligible to hold office in the Post, except as governed by Article V, Section 2 of the Post By-Laws.

Section 8. The duties of the Post officers and the Executive Committee shall be those, which pertain to such offices, and as further provided in the By-Laws of this Post.

ARTICLE VI

FINANCE:

Section 1. The revenue of this Post shall be derived from annual membership dues, and also from Memorial Hall use and such other sources as may be approved by the Post Executive Committee or Post membership. Establishment of Post funds and disbursements therefrom shall be provided for in the By-Laws of this Post.

Section 2. The amount of such membership or initiation fees and such annual Post dues shall be fixed and determined by the membership at the regular membership meeting in December of each year.

Section 3. The Post shall pay to Department Headquarters, the National and Departmental annual membership dues for every member of this Post in good standing after the member has his/her dues paid to the Post.

Section 4. The Post shall pay to the 4th District Organization of the American Legion, the annual dues for each member of the Post in good standing, as prescribed in the District and State Constitution.

Section 5. The Post shall pay to the Milwaukee County Council Organization of the American Legion, the annual dues for each member of this Post in good standing as prescribed in the Milwaukee County Council and State Constitution.

ARTICLE VII

INCORPORATION:

Section 1. This Post shall be incorporated under the laws of the State of Wisconsin.

ARTICLE VIII

THE AMERICAN LEGION AUXILIARY:

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Oelschlaeger-Dallmann Post No. 434, The American Legion.

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

ARTICLE IX

SONS OF THE AMERICAN LEGION:

Section 1. This Post recognizes a subsidiary organization, to be known as Oelschlaeger-Dallmann Squadron No. 434, Sons of the American Legion.

Section 2. Membership in this organization shall be as prescribed by the National Constitution of the Sons of the American Legion.

ARTICLE X

AMENDMENTS:

Section 1. This Constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the Department Constitution of the Department of Wisconsin, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of the Constitution to the extent of such conflict.

Section 2. This Constitution may be amended by referendum at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such meeting, provided:

- a. That the proposed amendment is introduced and accepted by the membership at the preceding regular meeting of the Post.
- b. That the proposed amendment was reviewed by the Executive Committee, whose recommendations were considered.
- c. That notification, along with a copy of the proposed amendment, is given to all members, at least five (5) days in advance of the date set for a special or regular membership meeting when such amendment is to be voted upon. Membership vote at said meeting shall be binding on this Post

**BY-LAWS OF
OELSCHLAEGER-DALLMANN
POST NO. 434
The American Legion
Department of Wisconsin**

ARTICLE I

NAME AND USE THEREOF:

Section 1. The Post existing under these By-Laws is to be known as Oelschlaeger-Dallmann Post No. 434, The American Legion, Department of Wisconsin.

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

Section 3. The name "Oelschlaeger-Dallmann Post No. 434, The American Legion" or any part of the same shall not be used for any project or purpose unless authorized by majority of the Executive Committee, or the membership of this Post in a regular meeting or a special assembled meeting.

Section 4. Whenever either the name "Oelschlaeger-Dallmann Post No. 434, The American Legion", or the name "American Legion" is used in connection with any public function, by any committee or group of this Post, and there is cash income from either the sale of tickets or otherwise, then the income from all such events shall be turned over to the Post Finance Officer on a daily basis and checks drawn upon the Post funds for necessary expenses incident to the function so sponsored. The Post Finance

Officer shall keep such monies so received in a separate fund and keep a separate accounting, so the net monies raised for a particular purpose may be withdrawn and spent for the purpose for which the activity was conducted.

ARTICLE II

EXECUTIVE COMMITTEE:

Section 1. Between the regular membership meetings of this Post, the government and management of this Post is entrusted to a committee of members to be known as the Post Executive Committee. All proceedings of said committee shall be presented at the next regular membership meeting for approval or rejection.

Section 2 . The Executive Committee shall consist of three (3) members in addition to the Post Commander, Post Vice Commanders, Immediate Past Post Commander, Adjutant, Finance Officer, Judge Advocate, House Committee Chairman and Grounds Committee Chairman; elected at the annual election which is held during the May membership meeting and take office on July 1st, following their election. One (1) of each of the three (3) additional members of this committee will be elected at each annual election to a total term of three (3) years.

Section 3 . The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commcander and at least once a month, or as often as the Post Commander or chairman of the Executive Committee deem necessary. The Post Commander through the Chairman of the Executive Committee shall call a meeting of said Committee upon the notification of three (3) or more members of said Post Executive Committee. There shall be a minimum of twenty-four (24) hours'

notice for all meetings, unless all Executive Committee members are present or waive notice. All members should be notified for special meetings.

Section 4. The chairman shall be elected by the Executive Committee at the organizational meeting in July. The Post Commander, Post Vice Commanders and Finance Officer shall be ineligible for this position. The Executive Committee shall meet on the last Monday of every month at 7pm. All meetings shall be held at the Memorial Hall.

Section 5. Seven (7) members of the Post Executive Committee shall constitute a quorum thereof.

Section 6. A vacancy existing in the Executive Committee from any cause other than the expiration of a term shall be filled by an appointment by the Post Commander, with the approval of the Executive Committee. A person so appointed shall hold office for the unexpired term of the member who he/she succeeds.

Section 7. Any member of the Post Executive Committee missing three (3) consecutive scheduled meetings shall automatically forfeit that position constituting a vacancy. Only a legitimate reason is excusable. Legitimate reasons to excuse officers and committee members from meetings shall be left to the discretion of the Committee Chairman or Post Commander with the approval of the membership and Executive Committee.

Section 8. The Post Executive Committee shall be the legal trustees of the Post and Post properties, with all the duties and powers incident thereto between Post meetings, including the months of July and August when no regular membership meetings are scheduled to be held. The Executive Committee shall:

- a. Consider all budgets before authorizing any expenditures;

- b. Require adequate bonds from all persons having custody of the Post funds;
- c. Arrange for audits of all Post financial accounts at least once annually or as they deem necessary;
- d. Approve any expenditure of funds originating from the accounts holding emergency funds or future savings;
 - i. The account holding post emergency funds shall only be used for unplanned expenses requiring immediate action and deemed by the Post Executive Committee to be essential to the continuing operations of the Post provided no other funds or sources are available.
 - ii. The account holding future savings funds shall only be used for planned expenses which will ensure the long-term sustainment or expansion of the Post for future generations, as authorized by the Post Executive Committee.
- e. Request the reports of all Post officers and of all Post committees and chairmen; and
- f. Be responsible for the management of the affairs of this Post.

Section 9. The Post Executive Committee shall be the legal trustees of all personal property possessed by this Post, except the Post colors, rifles and other equipment that would be used for parades or funerals, which the honor guard will be in charge of as per Article VIII, Section 11 of these By-Laws.

Section 10. The Post Adjutant shall be the Secretary of the Executive Committee and shall keep a record of all proceedings and report these proceedings at the next regular Post meeting.

ARTICLE III

MEMBERSHIP:

Section 1. There shall be no form of membership except an active membership and dues shall be paid annually, due starting July 1st of each year.

Section 2. An Honorary Life Membership may be given by the Post, and the Past Post Commanders Club who must screen all candidates for this membership before any official action may be taken. Honorary Life Membership shall be automatically awarded to Medal of Honor recipients, members who were Prisoners of War, members who were the 4th District Commander and members who were the Milwaukee County Commander.

Section 3. Other members may be considered for Honorary Life Membership providing they meet at least three (3) of the following criteria:

- a. Member must be at least fifty (50) years old
- b. Member is a charter members in Post No. 434
- c. Member has taken an active part as an officer in Post No. 434
- d. Member was with Post No. 434 for at least fifteen (15) years
- e. Member has been active in Post No. 434 activities
- f. Member has taken on chairmanships
- g. Member has been active in Post No. 434 committees
- h. Member has worked jobs for Post No. 434 for which there was no pay
- i. Member has committed an act or acts of civilian heroism

Section 4. All life members shall be awarded one (1) nickel silver membership card, one (1) blue Life Membership cap insignia and one (1) chamois case.

Section 5. Oelschlaeger-Dallmann Post No. 434 reserves the right to recall any Life Membership for cause per Article IV, Section 7 of the Post Constitution.

Section 6. Any member of Post No. 434 with ten (10) years continuous membership of said Post and is retired, shall pay annual dues in the amount of whatever the Post pays to Department as of the Department Convention of the prior year.

ARTICLE IV

FINANCE COMMITTEE:

Section 1. There shall be a Finance Committee consisting of six (6) members and also the Finance Officer. Two (2) of each of the six (6) other members shall be elected at each annual election to a total term of three (3) years.

Section 2. The chairman shall be elected by the Finance Committee at the organizational meeting in July. The Post Commander, Post Vice Commanders and Finance Officer shall be ineligible for this position.

Section 3. The Finance Committee shall be charged with the administration of the financial policy. Their duties shall consist of:

- a. Preparation of the annual budget of the Post which shall be done with consultation from Committee chairmen on their requested budget;
- b. Recommendation and supervision of the accounting of all Post funds;
- c. The review of the Post accounts at least once every six (6) months with an annual audit to occur one time per year, in June after the annual elections;
- d. An annual report to the Post membership on the financials of the year prior; and

- e. Other duties as they may accept from the Executive Committee or membership, such as researching for a manager or other paid employees in the absence of or in support of the House Committee.

ARTICLE V

OFFICERS:

Section 1. Officers to be elected as per Article V, Section 3 and 4 of the Post Constitution.

Section 2. No candidate or incumbent for nomination or election to any paying elected public office shall hold any office in the Oelschlaeger-Dallmann American Legion Post No. 434. The declaration of candidacy for such elected public office by any person who is an elected officer or holds a paying office in this Post shall move to vacate his office in the Post.

ARTICLE VI

DUTIES OF OFFICERS:

Section 1. DUTIES OF THE POST COMMANDER

It shall be the duty of the Post Commander to:

- a. Preside at all Post meetings;
- b. Arrive at least twenty (20) minutes before the monthly membership meetings to check correspondence and set their agenda;
- c. Enforce strict observance of the Constitution and By-Laws of this Post;
- d. Make a monthly report covering the business of the American Legion to the Post members at Post meetings;
- e. Appoint those officers as set forth in Article V Section 4 of the Post Constitution;

- f. Appoint the members and chairmen of all standing committees, other than the Executive and Finance Committees, as set forth in Article VIII of these By-Laws,
- g. Be a member of all committees of this Post, and a delegate to the Department of Wisconsin Convention, 4th District and Milwaukee County Council Meetings;
- h. Have the authority to serve refreshments at any State, 4th District or Milwaukee County Council meetings that are held at the Post, keeping the cost to a minimum;
- i. Furnish any required report to the Department Organization;
- j. Arrange to have a picture taken and displayed at the Post, which may be in color with costs not to exceed fifty dollars (\$50.00) unless approved by the Finance Committee or the Executive Board and to be paid from the general account;
- k. Have the ability to countersign all checks before said checks are issued;
- l. Have the authority to grant up to a \$40.00 stipend to help any transit veteran or their family;
- m. Perform such other duties as may be directed by the Executive Committee or Post membership; and
- n. Perform all these with full knowledge of the charges given him/her upon installation.

It shall NOT be the duty of the Post Commander to direct the bar manager or the House Committee, except as a single voting member of the House Committee by virtue of the office of the Post Commander. This means no more power on the Committee than any other single voting committee member. This is also true of all committees of Post No. 434.

Section 2. DUTIES OF THE 1ST VICE COMMANDER

- It shall be the duty of the 1st Vice Commander to
- a. Be responsible for the membership committee;
 - b. Record payment of the dues;

- c. Keep a current list of members in good standing;
- d. Submit all new members names and addresses to the Post Adjutant and to the editor of the Post newsletter;
- e. Post a registration sheet at the front door for each Post No. 434 membership meeting to be signed by all attending members;
- f. Be prepared to assume and discharge the duties of the Post Commander in case of the Post Commander's absence or disability, or when called upon by the Post Commander; and
- g. Be, by virtue of his/her office, the alternate delegate to replace the Post Commander at Department Convention, 4th District and Milwaukee County Council Meetings, when necessary.

Section 3. DUTIES OF THE 2ND VICE COMMANDER

It shall be the duty of the 2nd Vice Commander to:

- a. Oversee all programs planned for patriotic observances to include annual events such as the Children's Christmas Party, Easter Party and the Annual Post Picnic;
- b. Run the entertainment features which mark all meetings;
- c. Oversee other such planned programs, as approved by the Post membership;
- d. Manage Post merchandise inventory and sales; and
- e. Be prepared to assume the duties of the Post Commander in case of absence or disability of the Post Commander and 1st Vice Commander, or when called upon by the Post Commander.

Section 4. DUTIES OF THE ADJUTANT

It shall be the duty of the Adjutant to:

- a. Take charge of and keep a full and correct permanent record of all proceedings of meetings of the Post and Executive Committee;
- b. Arrive at least twenty (20) minutes before the monthly membership meetings to check correspondence and set their agenda;

- c. Keep such records as Department and National Organization may require;
 - d. Handle all correspondence of the Post under the direction of the Post Commander;
 - e. Ensure all items to complete the annual consolidated report is collected throughout the year;
 - f. Cause notice of the annual election to be given at the membership meeting held prior to the election; and
 - g. Oversee the outgoing officers who shall receive past officer badges and/or year bars upon completion of their term of office.
- This position has been deemed a paid position of Post No. 434.

Section 5. DUTIES OF THE FINANCE OFFICER

It shall be the duty of the Finance Officer to:

- a. Be custodian of all Post funds which will be safely deposited in banks or depositories approved by the Executive Committee;
- b. Be bonded in such sum as shall be fixed by the Post Finance Committee.
- c. Issue a receipt for all monies received;
- d. Ensure an annual donation to the Post No. 434's new Poppy Princess is made to help pay for the cost of her dress;
- e. Pay by check all routine or reoccurring bills and obligations incurred by the Post or any committees. Any expenses incurred outside of normal operations, in excess of \$500, will be paid after same have been approved and properly endorsed by two (2) authorized officer's signatures;
- f. Delegate other authorized officers of the Post to oversee other Post funds and report on those funds as long as both the Finance Officer and the authorized reporting officer are signatories on the accounts;
- g. Keep an accurate account of all funds received and disbursed and make an annual report thereto;
- h. Make a monthly report at Post meetings; and

- i. Be present at all Executive Committee meetings;
- This position has been deemed a paid position of Post No. 434.

Section 6. DUTIES OF THE HISTORIAN

It shall be the duty of the Historian to:

- a. Compile and keep a continuous and complete record of the history of the Post and its members;
- b. Enter such records created in its completed format in a bound volume provided therefore;
- c. Oversee the creation of the one-year Post yearbook for submission to the Department;
- d. Seek the assistance of other members to document and photograph activities throughout the year when necessary; and
- e. Make reports at such times as directed by the Post Commander or Executive Committee.

Section 7. DUTIES OF THE CHAPLAIN

The Chaplain shall be charged with the duty to:

- a. Oversee the spiritual welfare of the Post comrades and offer divine but nonsectarian services in the event of dedications, funerals, public functions, etc.;
- b. Adhere to such ceremonial rituals as recommended by the Department or National Organizations from time to time.

Section 8. DUTIES OF THE SERVICE OFFICER

It shall be the duty of the Service Officer to:

- a. Have charge of all rehabilitation activities of the Post;
- b. Become well versed in veteran's benefits and programs to be able to offer guidance to veterans on possible benefits which may be available to them;

- c. Assist all veterans or families in the processing of claims through the facilities of the Department Service Officers; Serve all veterans and families in the Post community in distress;
- d. Make visitations, when possible, to Post members who are hospitalized;
- e. Secure American Legion grave markers for all deceased Post members and present the same; and
- f. Assist the Children and Youth Chairman of the Post Auxiliary in finding needy veterans families and delivering food baskets etc., when called upon.

Section 9. DUTIES OF THE SERGEANT AT ARMS

It shall be the duty of the Sergeant-at-Arms to:

- a. Preserve order at all meetings;
- b. Demand a visitor's identification or membership card;
- c. Learn the identity of and introduce to the Post Commander all visiting comrades and guests of the Post;
- d. Take charge of the Stand of Colors which shall be properly displayed at all Post meetings and ceremonial occasions; and
- e. Perform such other duties as may be assigned by the Executive Committee or Post Commander from time to time.

Section 10. DUTIES OF THE JUDGE ADVOCATE

The Judge Advocate shall be any member of this Post in good standing, with knowledge of the latest edition of Robert's Rules of Order, as well as the Constitution and By-Laws, resolutions, procedures and other regulations prescribed by the American Legion. It shall be the duty of the Judge Advocate to:

- a. Give his/her opinion thereon if the Judge Advocate notices an error or at the request of the Post Commander or Executive Committee;

- b. Have the ability to call attention to and make a correction of the same at his/her discretion without the request of the Post Commander or Executive Committee;
- c. Prosecute or defend on behalf of the Post, any action involving the membership;
- d. Review and maintain the original copy of all contracts, agreements and insurance policies regarding the Post, to include events held on or within Post property.

Section 11. DUTIES OF ALL OFFICERS

- a. All officers have an obligation to check their mail at least once per week;
- b. Attend all meetings obligated to or requested at or provide notification otherwise;
- c. Further, only legitimate reasons are excusable. Legitimate reasons to excuse officers and Committee members from meetings shall be left to the discretion of the Committee Chairmen or Post Commander;
- d. Any officer missing any three (3) consecutive scheduled meetings, without excuse, shall automatically forfeit said office, constituting a vacancy.
- e. Any vacancy of an office in the Post shall be filled by an appointment by the Post Commander, with the approval of the Executive Committee and/or the membership.
- f. All officers are to have their dues paid on or before installation as per Article V, Section 5 of the Post No. 434 Constitution.

Section 12. DUTIES AND PRIVILEGES OF ALL POST MEMBERS

- a. It shall be the duty of all members to furnish the Post Adjutant with the correct address for mailing purposes and any changes thereto, immediately.

- b. To attend all membership meetings, when possible. Additionally, Post members may seek permission from the committee chairmen or the Post Commander to attend committee meetings, if they have business to present and are granted permission thereto.
- c. It shall be the privilege of all American Legion Family Oelschlaeger-Dallmann Post No. 434 members in good standing for at least one (1) year to:
 - i) Rent the Post facilities, excluding the kitchen unless otherwise approved by the Post Auxiliary, at a reduced fee providing they are of legal age. If said facilities are being used for personal financial gain by a member, they shall be treated the same as a non-member who rents our facilities. All prices to be set by the House Committee, as per Article VII, Section 8 of these By-Laws.
 - ii) Use tables and chairs with a \$100.00 refundable deposit, at the discretion of the Bar Manager who will assess damage upon leaving and on return;
- d. For funerals of American Legion Family Oelschlaeger-Dallmann Post No. 434 members, the family of that member shall pay the cost of meat and buns. The remaining meal costs shall be paid for according to the Constitution and By-Laws of the affiliation of the member.

ARTICLE VII

DELEGATES:

Section 1. The delegates and alternates to the Department convention shall be elected at the annual meetings in the month of May each year. Those delegates and alternates shall represent this Post at either the 4th District or Milwaukee County Council Meetings when the new season begins in September; and will attend the Department convention as representative of this Post in July of the following year as per the following sections in this Article of these By-Laws.

Section 2. The number of delegates and alternates to the Department convention of the American Legion shall be two (2) delegates and two (2) alternates together with one additional (1) delegate and one additional (1) alternate for each additional one hundred (100) members, of which the Post shall have paid its dues to the Department at least thirty (30) days before the date of the Department convention.

Section 3. Delegates shall be any Post member holding an elected office in the 4th District American Legion (other than the 4th District Commander) and the outgoing commander of this Post. All other delegates and alternates shall be chosen from the delegates to 4th District or Milwaukee County Council, if they desire to attend. These delegates shall have attended at least two thirds (2/3) of the 4th District or Milwaukee County Council meetings prior to convention. This includes the elected 4th District officers and the outgoing Post Commander. This MUST BE MET, if not, the delegates and alternates for this Post shall be chosen through election by ballot at the May meeting.

Section 4. The authorized number of delegates and alternates to the Milwaukee County Council of the American Legion shall be elected by ballot at the annual election meeting of the Post officers. The Post Commander and 1st Vice Commander shall be delegate and alternate respectively by virtue of their office. There shall be two (2) delegates and two (2) alternates for a membership of one hundred (100) members or less, and one (1) delegate and one (1) alternate for every additional one hundred (100) members, or fraction thereof. (Membership count as of July 15th of each year is official.)

Section 5. The authorized number of delegates and alternates to the 4th District shall be elected by ballot at the annual election of Post officers; there shall be three (3) delegates and three (3) alternates. The Post

Commander and 1st Vice Commander shall be a delegate and alternate by virtue of their offices.

Section 6. All delegates to the Department of Wisconsin American Legion Convention shall attend at least one (1) committee meeting and be prepared to make an oral report to the Post membership at the next membership meeting.

ARTICLE VIII

COMMITTEES AND APPOINTMENTS:

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees which shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

Section 2. HOUSE COMMITTEE

The House Committee shall consist of a Chairman, bartender (optional, but must be a Legionnaire) and four (4) other Post members to be appointed by the incoming Post Commander before July 1st of each year, and approved by the Executive Committee, or membership. The Post Commander, Finance Officer and the Bar Manager are members of this committee by virtue of their positions. The Chairman shall preside over all House Committee meetings and cause a record of said meetings to be made for presentation to membership and the Executive Committee. The House Committee shall:

- a. Be responsible for the maintenance and upkeep of the main building, lower hall and pavilion;
- b. Determine and set the cost for the rental of Post facilities;
- c. Turn down any functions that are considered detrimental to the good name of the American Legion;

- d. Establish the duties of the Bar Manager in writing for further approval by the Executive Committee; and
- e. Oversee the duties of the Bar and Business Manager.

Section 3. BAR AND BUSINESS MANAGER

The Bar and Business Manager shall not be of the immediate family of the Post Commander, Executive Committee Chairman or House Committee Chairman of Post No. 434. This is being done to prevent personal family conflict of interest. There shall be other rules to guide the Bar and Business Manager set by the House Committee, with the approval of the Executive Committee and the Membership. These rules shall be enforced by the House Committee with the backing of both the Executive Committee and membership. The Bar and Business Manager shall:

- a. Be required to enter into a contract written by the House Committee;
- b. Be responsible for or delegate the making of all bookings for the halls and the grounds;
- c. Hire the bartenders for the American Legion Post No. 434 tavern with the approval of the House Committee;
- d. Purchase all needed supplies for said business; and
- e. Have the power to have emergency repairs for up to five hundred dollars (\$500.00) done and paid for without the approval of the Executive Committee or the membership, but after consultation with the Finance Officer and this action must be reported at the next membership or Executive Committee meeting.

Section 4. MAINTENANCE AND GROUNDS COMMITTEE

The Maintenance and Grounds Committee shall consist of three (3) members to be appointed by the Post Commander for a three (3) year term. The Chairman shall preside over all Maintenance and Grounds Committee meetings and cause a record of said meetings to be made for presentation

to membership and the Executive Committee. The Maintenance and Grounds Committee shall:

- a. Oversee, care and maintain the parking facilities, the park and all the grounds, other than the ball fields;
- b. Oversee, care and maintain the machinery and equipment pertinent to such care and maintenance such as snow plows, lawn mowers, picnic tables etc.;
- c. Enlist the help of volunteers and, if necessary, hire help, with the approval of the Executive Committee and/or the membership; and
- d. Have the power to have emergency repairs for up to five hundred dollars (\$500.00) done and paid for without the approval of the Executive Committee or the membership, but this action must be reported at the next membership or Executive Committee meeting.

Section 5. PUBLIC RELATIONS COMMITTEE

The Public Relations Committee will consist of a Chairman, the Bar Manager, a House Committee member, Post Historian and three (3) other members to be appointed by the incoming Post Commander before July 1st of each year, and approved by the Executive Committee, or membership. The Chairman shall preside over all Public Relations Committee meetings and cause a record of said meetings to be made for presentation to membership and the Executive Committee. The Public Relations Committee Chairman will keep consult with other chairmen and officers of the post. The Public Relations Committee shall:

- a. Be charged with the promotion of public support of the American Legion and Post programs by establishment of proper contact with the Badger Legionnaire, National Legion Magazine and by local publicity of the Post programs and activities;
- b. Submit recommendations to the Executive Committee for final approval and to supervise and execute such plans as may be adopted and assigned to them by the Executive Committee; and

- c. Develop and administer the social media and network security policy for the Post.

Section 6. HONOR GUARD (FIRING SQUAD)

The Honor Guard shall be responsible for the Post colors, rifles, and other equipment used for funerals and parades. The uniforms for the group shall be furnished by the Post and members who join shall be expected to participate in funerals for deceased veterans when called upon, 4th of July parades, Memorial Day parades, and Veterans Day Services parades. Any member who becomes unable to participate in the above mentioned, or who drops out of the American Legion Post No. 434, shall return all Post properties immediately, if a member is unable to attend any of the above-mentioned events, they must be excused by the Honor Guard Commander. Discipline for missing events without being excused shall be written in the Honor Guard's rules and given to each member. If a member takes part in three ceremonies or events, the post shall pay his/her dues for one (1) year. The group shall meet at the call of the Honor Guard Commander. The Post Commander shall appoint the Honor Guard Commander immediately after each installations of officers.

Section 7. PAST POST COMMANDERS CLUB

This Post shall recognize a group within the organization, to be known as the Past Commanders Club. Any Post No. 434 Past Commander who has maintained an active participation in Post No. 434 activities until they no longer are able to do so will have one hundred dollars (\$100.00) given to their living spouse upon their death. The Past Post Commanders Club shall:

- a. Look for members capable of holding offices in this Post, for the annual elections;
- b. Screen all candidates for Honorary Life Memberships in this Post; and
- c. Raise funds for special programs, which they may want to run, these funds to be held in a separate account by the Post Finance Officer.

Section 8. OTHER COMMITTEES

The Post Commander shall appoint from time to time such other committees as the business of this Post requires; these committees devising ways and means to carry out the duties for which they may be appointed, making recommendations to the Executive Committee for approval. Upon approval, the aforementioned committee shall be charged with carrying out the same.

Section 9. MEMBERSHIP COMMITTEE

The membership Committee shall be charged with the duty of devising and recommending to the Executive Committee ways and means to increase the membership of this Post. Following approval of the Executive Committee, the Membership Committee shall proceed to execute their plan. The 1st Vice Commander shall be the chairman of this committee.

Section 10. AMERICANISM COMMITTEE

The Americanism Committee shall be charged with inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools; Americanism of aliens, combating any anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment. It shall be the duty of this committee to recommend to the Executive Committee ways and means to carry out their work, and upon approval to supervise and execute such plans. The 2nd Vice Commander shall be a member of this committee.

Section 11. ATHLETIC COMMITTEE

The Athletic Committee shall be charged with the promotion of physical development and clean sports by the Post athletic teams, recreations, etc., and by cooperation and support in the general recreational and athletic programs of the community; to submit their recommendations to the Executive Committee for approval and to execute such plans upon approval.

Section 12. SONS OF THE AMERICAN LEGION ADVISORY COMMITTEE

The Advisory Committee of the Sons of the American Legion is charged with the duty of supervising the affairs and projects of Squadron No. 434 and acting in a guardianship and advisory capacity at all regular meeting and other functions of the Squadron. A monthly report shall be submitted to the Post Finance Officer.

Section 13. The Chairman of any Post event shall give a written report and accounting at either the membership or Executive Committee meeting, whichever comes first.

Section 14. There shall be no advertising purchased and no events run by anyone on behalf of this Post without first having some idea of cost being submitted in writing to either the Membership or the Executive Committee and approved by said bodies.

ARTICLE IX

MEETINGS:

Section 1. The Executive Committee shall meet on the last Monday of every month at 7pm and at such other times or places as are provided for in Article

2, Section 3 & 4 of these By-Laws. All meetings shall be held on Post grounds.

Section 2. This Post shall hold regular membership meetings on the 2nd Thursday of each month at 7pm in the Memorial Hall. The months of July and August are vacation months and there will be no business meetings held.

Section 3. The Post Commander with approval of a majority of the Executive Committee shall have the power to call a special meeting of the Post membership at any time.

Section 4. Upon the written request of ten percent (10%) of the membership of this Post, the Executive Committee or Post Commander shall call a special meeting of the Post membership.

Section 5. 16 members shall constitute a quorum at all membership meetings.

ARTICLE X

RULES OF ORDER:

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

Section 2. Minutes shall be prepared and these minutes will be filed as part of the permanent record of the Post.

Section 3. Pertaining to all meetings of the Post, the order of business of Post membership meetings shall be as follows:

- A. Opening ceremony.
- B. Roll call and determination of a quorum.
- C. Introduction of guests, prospective members and new members.
- D. Reading and approval of minutes of previous membership meetings.
- E. Reading and approval of minutes of all Executive Committee Meetings and any other meetings held since previous membership meeting.
- F. Correspondence.
- G. Reports of Officers and Committees.
- H. Sick call and relief.
- I. Unfinished business.
- J. Action on applications for membership certified by the Executive Committee.
- K. Bi-annual initiation of new members.
- L. New business.
- M. Suggestions for the good of the American Legion.
- N. Closing ceremony.

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, member of The American Legion, or other individuals, corporations or organizations.

ARTICLE XII

RESOLUTIONS:

Section 1. All resolutions of a 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 the same shall be forwarded to the Department Headquarters through proper channels for its approval before any publicity is given or action other than mere passage by the Post is taken.

ARTICLE XIII

AMENDMENTS:

Section 1. These By-Laws may be amended by referendum at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such meeting, provided:

- A. That the proposed amendment is introduced and accepted by the membership at the preceding regular meeting of the Post.
- B. That the proposed amendment was reviewed by the Executive Committee, whose recommendations were considered.
- C. That notification, along with a copy of the proposed amendment, is given to all members, at least five (5) days in advance of the date set for a special or regular membership meeting when such amendment is to be voted upon. Membership vote at said meeting shall be binding on this Post.

REVISED AND ACCEPTED:

May 10, 2018