

AMENDED AND RESTATED BY-LAWS

of

THE AMERICAN LEGION, DEPARTMENT OF ALASKA, INC.

(Except for the designated amendments, these restated amendments correctly set out without change the provisions of the by-laws being amended. These amended and restated by-laws supersede the original by-laws and all amendments to the original by-laws.)

[Revised April, 2008]

{Revised April 2009}

ARTICLE I

DUTIES OF OFFICERS

Section 1. The Department Commander shall act as Chief Representative and Executive of the Corporation; they shall be an ex-officio member of the Department Executive Committee and act as Chairperson of the same.

Section 2. Vice-Commanders, in order of their priority, shall, in the absence or incapacity of the Commander, act as Commander.

(Amended at the 58th Annual Convention, Sitka, Alaska, June 1977)

Section 3. The Department Adjutant shall conduct the correspondence and keep the files and records of the Corporation, including lists of names and addresses of all members. He/she shall issue the call for dues; collect and receive all monies and turn same over to the Department Finance Officer. They shall, in the name of the Commander, transact and accomplish such business as the Commander may delegate to them. They shall provide the Department Historian with the necessary data for the compilation of their records. They shall publish the minutes of the Department Executive Committee, of which he shall be an ex-officio member and act as Secretary. They shall be reimbursed for their authorized expenses as approved by the Executive Committee or Department Convention.

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

Section 4. The Department Finance Officer shall, subject to the control of the Executive Committee, of which they are an ex-officio member, be charged with the custody of the funds of the organization, including all dues and shall keep its accounts and reports thereon at any regular meeting of the Executive Committee when previously directed. Annually, the accounts shall receive a formal

examination and verification by an accounting service or an audit performed by a state licensed Certified Public Accountant. They shall disburse funds only as approved and directed by the Executive Committee or Department Convention. All disbursements shall be signed by two authorized signers. The Finance Officer shall be bonded in such sum as may be determined by the Executive Committee. The books and records of the Finance Officer shall be open to inspection at all times to any duly authorized representative of any member Post in this Corporation. The representative from the Post must have an authorization letter signed by both the Commander and Adjutant.

(Amended at the 58th Annual Convention, Sitka, Alaska, June 1977)

(Amended at the 87th Annual Convention, Palmer, Alaska, April 2006)

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

Section 5. The Department Service Officer shall be the point of contact for Post Service Officers. He/she shall make themselves available to Alaskan veterans and active duty members of the military and shall act on their behalf concerning claims filed with the Veterans Administration. They shall maintain proficiency on existing state and federal laws as they apply to veterans' rights and benefits. They shall act as the representative of veterans in their claims against the Veterans Administration and keep records of all cases handled.

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

Section 6. The Department Judge Advocate shall advise the Department Executive Committee on all legal matters, including the construction and interpretation of the Articles of Incorporation and By-Laws, and shall perform such other duties as are usually incident to this office.

Section 7. The Department Chaplain shall officiate at all Conventions and Department Ceremonies. They shall transmit from the National Chaplain to the Post Chaplains all appropriate matters. They shall be a member of all Department committees which deal with memorials to those fallen on the field of honor.

Section 8. The Department Historian shall keep a historical record of the accomplishments of the Department during his/her year in office and present the report to the Department Adjutant for permanent retention at the Department Headquarters.

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

Section 9. The Department Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties as may from time to time be assigned to them by the Department Commander.

SECTION 10. Department Executive Committeemen will make themselves available to assist the Commander in carrying out and completing programs for the advancement of the Department and Community related activities.

(Added at the 90th Annual Convention, Haines, Alaska April 2009)

Section 11. The salaries and expenses of corporate employees and Officers shall be annually fixed by the Convention of the Department of Alaska. Salaries may be adjusted between Conventions by two-thirds (2/3) vote of the Executive Committee present at a meeting. When occurring between Department Conventions and scheduled DEC meetings, the following applies to salaries:

(a) New hires' beginning salaries and any subsequent pay increases at the end of a probationary period will be recommended by the office manager through the Department Finance Officer to the Department Commander for his/her consideration and approval/disapproval. In no case will payroll amounts exceed those approved by the last Department Convention or DEC for the position(s) being filled.

(b) Permanent employees, those who have successfully passed their probationary periods, are normally not considered for out of cycle pay increases. However, in unusual situations when the office manager deems it warranted, for example exemplary work, additional funds remaining in the State Grant, promotion, etc, the manager may submit the request for a pay increase(s) through the Department Finance Officer for submission to the Department Commander for his/her consideration and approval/disapproval. Office managers' pay increases are also included under this paragraph. Individual payroll amounts may exceed those approved at the last Department Convention or DEC for the position(s) being addressed for increase(s) under this paragraph.

All increases approved by the Commander will be reported by him/her to the DEC at its next scheduled meeting, including reasons given by the office manager(s) for the recommended increases.

(Amended at the 64th Annual Convention, Sitka, Alaska, June 1983)

(Amended at the 67th Annual Convention, Seward, Alaska, June 1986)

(Amended at the 71st Annual Convention, Kenai, Alaska, June 1990)

(Amended at the 89th Annual Convention, Fairbanks, Alaska, April 2008)

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

Section 12. It is recommended that Department, District and Post Officers be installed by any National Officer, Department Officer, Past Department Officer, Past District Commander, or Past Post Commander.

(a) When the recommended installing officers are not available, local dignitaries may perform the installation.

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

ARTICLE II

DEPARTMENT EXECUTIVE COMMITTEE

- Section 1.** Five members of the Executive Committee shall constitute a quorum.
- (a) A special meeting of the committee may be called by its chairperson at any time on not less than one day's notice or by the Adjutant when written demand is served on him/her, signed by not less than two members.
- (b) At the direction of the Chairperson, the Adjutant is authorized to contact DEC members by telephone to conclude business of a time sensitive matter.
- (c) The Committee shall have the power to authorize distribution of Corporation Funds, and is empowered to have performed annually, as a minimum, either a formal examination and verification of Department financial records by an accounting service or an audit performed by a state licensed Certified Public Accountant. The Department Commander at their own discretion, or at the request of a quorum of the DEC, shall appoint a committee to examine, review and verify Department financial records.
- (Amended at the 58th Annual Convention, Sitka, Alaska, June 1977)*
(Amended at the 75th Annual Convention, Seward, Alaska, June 1994)
(Amended at the 87th Annual Convention, Palmer, Alaska, April 2006)
(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

ARTICLE III

DUES

- Section 1.** Each Post shall pay annually to the Department the cumulative sums set forth below:
- (a) Such membership per capita as determined by The American Legion National Convention or National Executive Committee, and
- (b) Department per capita, not to exceed \$25.00 for each of its individual members. A portion of each member's per capita shall be payment for an annual subscription fee to the "Alaska Legionnaire" newspaper. This fee will be determined by the Annual Convention.
- (Amended at the 53rd Annual Convention, Seward, Alaska, June 1972)*
(Amended at the 58th Annual Convention, Sitka, Alaska, June 1977)
(Amended at the 60th Annual Convention, Haines, Alaska, June 1979)
(Amended at the 75th Annual Convention, Seward, Alaska, June 1994)
(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

Section 2. Each Post Adjutant shall be required to remit to the Department Adjutant, National and Department dues as stated in the Department's Articles of Incorporation.

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

ARTICLE IV

CHARTERS

Section 1. The Department Executive Committee may suspend, cancel, or revoke a Post Charter. The action taken by the Department Executive Committee shall be final and conclusive unless an appeal is taken to the National Executive Committee within thirty days from the date of said suspension, cancellation or revocation. The action taken by the National Executive Committee upon appeal shall be final.

Section 2. Any Post failing to meet the obligations imposed upon it by the National Constitution and By-Laws, or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing to pay the Department and National per capita dues, or under such other conditions as might make such action necessary, shall upon order of the Department Executive Committee, surrender its Charter for cancellation. Upon failure to surrender such Charter, immediate steps may be taken for revocation, suspension, or cancellation.

Section 3. All Posts within the Department of Alaska will forward to Department a copy of their current By-Laws. Posts that are incorporated will forward a copy of their Articles of Incorporation to Department. Original and Amended copies of these documents will be forwarded to Department within 30 days after approval of the general membership.

(Added at the 90th Annual Convention, Haines, Alaska, April 2009)

Section 4. Upon revocation, suspension, or cancellation of the Charter of a Post, said Post shall immediately cease operations and upon revocation or cancellation, shall turn over its Charter to the Department Commander or Department Executive Committee, and the Department Executive Committee is authorized, empowered, and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said Post; provided, however, that nothing herein shall be construed as requiring the Corporation to take over or assume any financial responsibility as to such property. The Department Executive Committee may provide for the transfer of members in said Posts to other Posts of their choice, subject to the approval of such Posts.

Section 5. The Uniform Code of Procedure for the revocation or suspension of Post Charters, as published in the National Constitution and By-Laws, shall be followed by this Corporation.

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

ARTICLE V

DISCIPLINE OF POST AND MEMBERS

Section 1. Each Post shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws of The American Legion.

Section 2. Post members may be suspended or expelled from the Legion only upon a proper showing of cause. 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 in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post or Department in such manner and form as the Department By-Laws and Department Executive Committee shall prescribe.

Section 3. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee, or to the Department Convention. The decision of the Department shall be final.

Section 4. A member, whose dues for the current year have not been paid by January 1, shall be classified as delinquent. If their dues are paid on or before February 1, they shall be automatically reinstated. If they are still delinquent after February 1, they shall be suspended from all privileges. If they are still under such suspension on June 30, of such year, their 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 a vote of the Post and payment of current dues for the year in which the reinstatement occurs. The Post, at its opinion or option, may also require a member whose membership has been so forfeited to pay one year's arrears in dues, as a condition precedent to reinstatement.

Section 5. No fine levied on any member shall exceed \$5 per one offense during any American Legion Convention within this Department, and any and all collected funds shall be deposited into the Children and Youth Funds of the respective Convention. Offenses shall be eating with any hat on; cutting the colors; or leaving an American Legion hat unattended.

(Included at the 75th Annual Convention, Seward, Alaska, June 1994)

ARTICLE VI

AMENDMENT

Section 1. A request to amend these By-Laws may be originated at any of the following levels, commonly recognized as the chain of command, within The American Legion, Department of Alaska: a Legionnaire; a Post; or a District. Requests to amend must be approved by all intermediate levels remaining in the chain of command before being submitted in accordance with Section 2, of this Article.

(Added at the 80th Annual Convention, Anchorage, Alaska, May, 1999)

Section 2: These By-Laws may be amended at any Annual Department Convention by a vote of two-thirds (2/3) of the member Posts represented thereof; provided that notice of intention to amend shall have been submitted through the Department Adjutant to the several Posts by mailing same to them at least thirty (30) days prior to the convening of the next Annual Convention. Said notice shall set forth the proposed amendment but shall not prohibit the Convention from further amending except that the subject matter may not be changed by the Convention. Rejection by the Convention of one portion of a proposed amendment shall not invalidate the remainder of such amendments unless action taken by the Convention is to reject said remainder. Provided further, that amendment may be made by unanimous consent without notice at any Department Convention.

(Amended at the 75th Annual Convention, Seward, Alaska, June 1994)

(Amended at the 77th Annual Convention, Kenai, Alaska, May, 1996)

(Amended at the 80th Annual Convention, Anchorage, Alaska, May, 1999)

(Amended at the 87th Annual Convention, Palmer, Alaska, April 2006)

(Amended at the 90th Annual Convention, Haines, Alaska, April 2009)

TERRY HUISMAN
COMMANDER

GENE FRANKS
DEPARTMENT ADJUTANT