

**BY-LAWS OF BERKELEY POST #14
THE AMERICAN LEGION
DEPARTMENT OF W. VA.**

ARTICLE 1

NAME

Section 1. By virtue of the Charter granted, this post shall be known as "Berkeley Post No. 14, The American Legion, Department of West Virginia."

LOCATION

Section 2. The location of this post shall be in the county of Berkeley, state of West Virginia.

ARTICLE II

OBJECTS

Section 1. The object and purpose of this Post shall be as prescribed in the National and Department Constitution and By-Laws of The American Legion.

Section 2. It shall be the duty of all officers and members of this Post to promote the principles and policies set forth in the Constitution of The American Legion.

ARTICLE III

MEMBERSHIP

Section 1. Membership in this Post, eligibility to, application for, acquiring and maintenance of, transfer to or from, and loss and discipline of shall be in accordance with the provisions of the National and Department Constitution and By-Laws of The American Legion.

Section 2. This Post shall be the judge of its membership and shall reserve the right to accept or refuse membership for proven just cause.

ANNUAL DUES

Section 3. The dues of this Post shall be established by the Post Executive Committee in accordance with the provision of the National and Department By-Laws of The American Legion.

Section 4. There shall be no form or class of membership except an active membership and dues shall be paid annually or for life.

ARTICLE IV

MEETINGS

Section 1. Meetings of the Berkeley Post No. 14 will be held on the first Thursday of each month at 7:00 P.M. Meetings of the House, Executive, and Finance Committees will be held on the first and third Thursdays of each month at 6:00 P.M.

Section 2. Meetings will be held in the Post Home unless otherwise ordered by proper authority.

Section 3. Special Post Meetings may be called by the Post Commander on proper notice to members, but all business of importance must be transacted at regular Post meetings.

Section 4. A quorum shall consist of the Post Commander or Vice Commander and five other members of the Post.

Section 5. In case no quorum is present the members will adjourn until the next regular meeting date,

Section 6. The order of business at a regular meeting shall be:

1. Advancement of Colors
2. Opening Prayer by Post Chaplain
3. Reading of the Minutes of the Previous Meeting
4. Committee Reports
5. Unfinished Business
6. New Business
7. Good of the Legion
8. Adjournment

Section 7. The rules of procedure at a Post Meeting shall be as set forth in Robert's Rules of Order.

ARTICLE V

OFFICERS AND DUTIES

Section 1. The Officers of this Post shall be:

Post Commander
1st Vice Commander
2nd Vice Commander
Post Adjutant
Finance Officer
Post Service Officer
Children and Youth Officer
Post Historian
Post Chaplain
Sergeant-at-Arms
and any such Officers as the Post may deem necessary.

Section 2. The duties of the Officers of this Post shall be, as nearly as possible, in accordance with the National and Department By-Laws of The American Legion.

ARTICLE VI

ELECTION-APPOINTMENT OF OFFICERS

Section 1. The Post Commander, 1st Vice Commander, 2nd Vice Commander, Post Adjutant, Finance Officer, Post Historian, Post Chaplain, and Sergeant-at-Arms shall be elected in accordance with the By-Laws of the Department of West Virginia.

Section 2. The Post Service Officer, Americanism Officer, Children and Youth Officer, and Publicity Officer shall be appointed by the incoming Post Commander. These appointments must be approved by the Post Executive Committee.

Section 3. A Nominating Committee consisting of active Past Post Commanders shall, after careful consideration, select a post slate of candidates and present the same to a meeting prior to the election; it being understood, however, that nominations can be made from the Post Floor.

Section 4. The newly elected officers shall assume the duties of their office upon date of installation.

ARTICLE VII

TRUSTEES AND DUTIES

Section 1. The Trustees of this post shall be three in number and shall consist of the three immediate Past Post Commanders with the outgoing Commander serving as a Three Year Trustee. In the event a Post Commander is reelected for another year he shall appoint a member of the Post to serve for one year as a Trustee. This appointment must be approved by the Post Executive Committee.

Section 2. The Trustees shall hold in trust all real and personal property of Berkeley Post No. 14, The American Legion. The Trustees shall supervise, with Post Executive Committee and Post Membership authorization and approval, all buying, selling, leasing, transferring, renting, or negotiating of Post properties, bonds and other assets derived under Berkeley Post No. 14, The American Legion.

Section 3. The Trustees shall serve on all Standing Committees of this Post with full voice and vote.

ARTICLE VIII

COMMITTEES AND DUTIES

Section 1. The standing committees of Berkeley Post No. 14, The American Legion, shall be the Post Executive Committee, the Post House Committee, the Post Finance Committee, and the Post Membership Committee. In addition to these standing committees, such other committees may be appointed, from time to time, as the Post may deem necessary of expedient.

Section 2. Removed

Section 3. The provisions of this By-Law shall take effect at the next regular installation of officers of this Post following the adoption of this By-Law.

EXECUTIVE COMMITTEE

Section 4. The Post Executive Committee shall consist of the Post Commander, the 1st Vice Commander, the 2nd Vice Commander, the Post Adjutant, the Finance Officer, the Chaplain, the three Trustees, and all Past Post Commanders with 60% attendance of the current last year's meetings.

Section 5. The Executive Committed is charged with outlining the policy of the Post. It shall approve the transactions of all other committees or groups formed or forming within the Post the uses the name or emblem of The American Legion. It will conduct all investigations into irregularities, misconducts, or other charges brought against a member or group of members and will recommend and enforce such actions as are consistent with the Post, Department, and National Constitution and By-Laws.

Section 6. Between Post meetings, the administrative power of the Post shall be vested in the Post Executive Committee.

Section 7. All matters relating to the business of the Post not specified in these By-Laws must be referred to the Post Executive Committee for the determination and adjof.

HOUSE COMMITTEE

Section 8. The Post House Committee shall consist of the Post Commander, the 1st Vice Commander, the 2nd Vice Commander, the Post Adjutant, the Finance Officer, the three Trustees and two other members of the Post.

Section 9. It will be the duty of the Post House Committee to initiate measures for the entertainment of the Post and to conduct all business of the Home or Club Room.

Section 10. It will be the responsibility of the House Committee to review all applications for employment. If the person being employed is a relative of an officer, that officer will be required to remove him or herself from the room when any personnel actions regarding that employee are discussed.

MEMBERSHIP COMMITTEE

Section 11. The 1st Vice Commander shall be Chairman of the Membership Committee and he or she will select the best men or women to serve on this committee. This Committee will be in charge of all membership programs in the Post and this Committee shall investigate applicants for membership in the Post before submitting applicants to the Post membership for approval.

FINANCE COMMITTEE

Section 12. The Finance Committee shall consist of the Post Commander, the Finance Officer, the Post Adjutant and the three Trustees.

Section 13. This Committee will be charged with the finances of the Post, and all activities which involve the expenditures of Post funds shall be submitted to this Committee for its approval before being submitted to the Post membership for a vote.

Section 14. The Post Executive Committee shall audit the books of the Finance Committee at least once yearly or whenever they deem such action necessary or whenever the Post membership deems it necessary.

Section 15. Expenses for Delegates and Alternates attending and convention, after approval by the Finance Committee, must be presented to the Post membership for their approval.

ARTICLE IX

DISCIPLINE

Section 1. The discipline of this Post shall be in accordance with the Department and National By-Laws.

Section 2. As a result of the findings of a properly convened and conducted disciplinary hearing, any member of the American Legion who lends his or her card to any other person shall be given a definite-term suspension from Post activities, or face such other disciplinary action as decided is appropriate as a result of the findings made at the conclusion of such disciplinary proceeding.

Section 3. Any member who willfully destroys his or her American Legion membership card may be subject to properly convened and conducted

disciplinary proceedings, and his or her membership may be suspended for a definite time, or terminated from membership in the Post.

Section 4. A member of members may be suspended or expelled from the American Legion upon proven charges of disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion.

Section 5. Any member having a grievance or complaint against an officer or another member of the Post will report the facts in the case, in writing, to the adjutant who will refer the complaint to the Executive Committee for their action.

Section 6. The provision of the National By-Laws of The American Legion shall apply to members in arrears for the payment of dues.

Section 7. These By-Laws will strictly forbid the Post or any member during the conduct of a meeting or in any business concerning American Legion affairs to enter into any controversy with or discuss the merits of any religious or political organizations.

ARTICLE X

AMENDMENTS

Section 1. These By-Laws may be amended by a two-thirds vote of the Post Membership present at a stated meeting, providing, however such amendments have been read at two previous regular meetings and Membership notified by newspaper, letter or the West Virginia Legionnaire.

OFFICIAL

Adopted by Berkeley Post No. 14, October 15, 1919

John Parks, Commander

Revised and adopted, August 7, 1924

James Duff, Commander

Dear Comrades:

I enclose herewith the By-Laws of Berkeley Post No. 14, American Legion

Burton Lewis, Commander

August 26, 1946

Revised and submitted for adoption, November 7, 1968

James M. Shade, Commander

Revised and adopted, January 21, 1971

Norman C. McDonald, Commander

Revised and adopted, September 19, 1996

George Murphy, Commander

Revised and adopted, September 3, 2010

Paul Turner, Commander

Revised and adopted, September 3, 2010

Paul Turner, Commander

Revised and adopted, June 7, 2012

Paul Turner, Commander