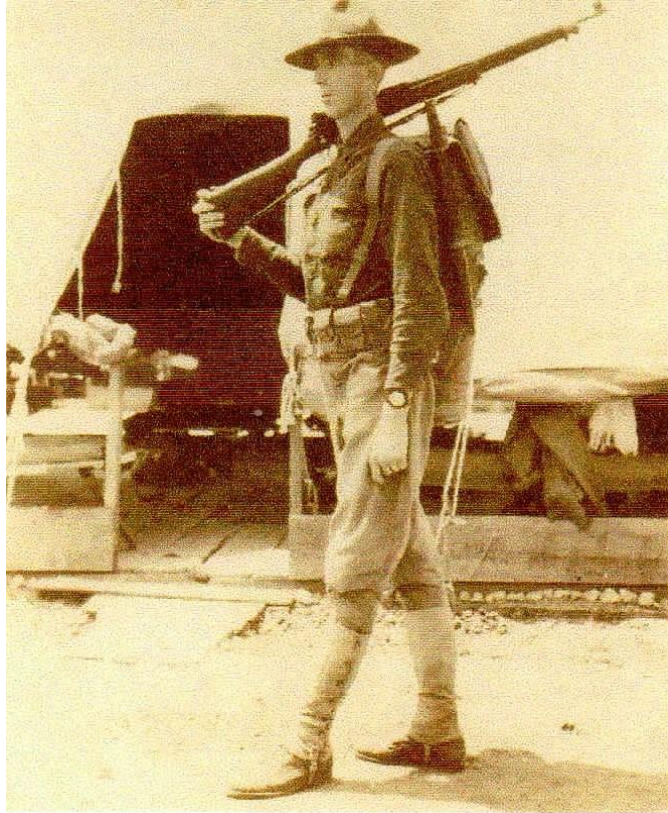




"For God and Country"

BY-LAWS
of the
MERLE GUILD
AMERICAN LEGION
POST 208

June 1st, 2021



DEDICATION

This Post is named in memory of

Merle Guild

(1890-1920)

*Citizen, Patriot, Veteran of the First World War, United States Army,
55th Illinois Infantry Regiment, Company A (1918-1919)*

POST INFORMATION

Chartered September 1924
Address 121 N. Douglas Avenue
Arlington Heights, IL 60004
Telephone: 847-253-6632
Website: www.arlingtonheightsamericanguard.org
Post Email: ahalpost208@gmail.com
Color Guard: post208colorguard@gmail.com
Membership: post208membership@gmail.com
Newsletter: newsletterforpost208@yahoo.com
Website: post208news@yahoo.com

TABLE of CONTENTS

Article I	ORGANIZATION	Section 1 - 4	Page 4
Article II	BOARD OF DIRECTORS	Section 1 - 8	Page 4 - 5
Article III	MEMBERSHIP	Section 1 - 5	Page 6 - 7
Article IV	DUES	Section 1 - 4	Page 7 - 8
Article V	DISCIPLINE	Section 1 - 8	Page 8 - 12
Article VI	MEETINGS	Section 1 - 5	Page 13
Article VII	ELECTIONS	Section 1 - 13	Page 14 - 16
Article VIII	APPOINTMENTS	Section 1 - 2	Page 16
Article IX	VACANCIES	Section 1 - 2	Page 16
Article X	DUTIES OF OFFICERS	Section 1 - 12	Page 17 - 19
Article XI	STANDARDS	Section 1 - 4	Page 19 - 21
Article XII	FINANCE	Section 1 - 9	Page 21 - 22
Article XIII	COMMITTEES	Section 1 - 10	Page 22 - 24
Article XIV	PROGRAMS	Section 1 - 3	Page 24 - 25
Article XV	RESOLUTIONS	Section 1	Page 26
Article XVI	AMENDMENTS	Section 1 - 4	Page 26
Article XVII	APPROVAL AND ADOPTION		Page 26

ARTICLE 1 ORGANIZATION

Section 1. BOARD MEMBERS: The government and management of the corporation, its properties and business ventures, will be and is entrusted and vested in a Board of twelve (12) Directors, the Adjutant appointed by the Commander, and all Past Commanders of Post 208 in good standing.

Section 2. DIRECTORS: Six (6) Directors (Commander, Senior Vice-Commander, Junior Vice-Commander, Sergeant-at-Arms, Judge Advocate and Finance Officer) and six (6) Directors-at-Large (Trustees), all elected as herein provided, and the Adjutant appointed by the Post Commander, will constitute the Board of Directors. All Past Commanders of Post 208 will be members of the Board *ex officio*.

Section 3. CHAIRMAN: The Chairman of the Board of Directors will be selected from among the Directors-at-Large and Past Commanders. The individual receiving the highest number of votes from the Board will assume this post. Upon assuming this post, the Chairman will forfeit all voting privileges except in the event of a tie vote cast by Board members. Whereupon the Chairman may then and only then cast his or her vote to decide the issue of which the first votes were cast. In the absence of the Chairman, the Board President shall assume the duties of Chairman.

Section 4. VACANCY: A vacancy in the Board of Directors may be filled by election of the members of the Post, as further provided in the By-Laws.

A vacancy will exist in case of death, resignation or removal for reason of absence from his or her post for three (3) unexcused consecutive meetings or by other reason in accordance with Board guidelines. The successor shall be appointed by the Commander and shall serve for the remainder of such unexpired term.

ARTICLE II BOARD OF DIRECTORS

Section 1. MEETINGS: The Board of Directors will meet for organization and other business as may come before it at the call of the Board President as soon as possible after he or she assumes office. Thereafter the Board will meet at least once a month and as often as it deems necessary. The Board President will call a meeting of the Board upon joint request of four (4) or more members of the Board excluding Past Commanders.

Section 2. REGULAR MEETINGS: Regular meetings of the Board of Directors will be held on the first (1st) Tuesday of each month at seven (7) p.m. for the transaction of such business, as may be properly brought before the meeting. Regular scheduled meetings falling upon a legal holiday will be moved to the next day or such day as determined by the Board.

Section 3. QUORUM: Seven (7) members of the Board of Directors, excluding *ex officio* members will constitute a quorum of the Board for the transaction of business.

Section 4. RULES OF ORDER: At all meetings of the Board of Directors, *Robert's Rules of Order Newly Revised* (11th Edition) shall govern the proceedings, except as otherwise provided herein.

Section 5. REPORT: The Chairman of the Board of Directors or authorized Board member will make a report comprised of the reading of the minutes from the previous month to the members at its regular monthly meeting.

Section 6. GUEST APPEARANCE: All persons requesting to appear before the Board may do so provided proper notification is given and approval is granted. To place their appearance on the agenda for the meeting, the request must be made in writing and submitted a minimum of three (3) days in advance of the scheduled meeting. All agenda requests will be made to and approved by the Board Chairman or the Board President.

If the agenda for the Board is full for the meeting, said person may be notified. The Board reserves the right to prioritize its agenda at any time.

Appearances by persons without proper notification may be accepted if permission is granted before any meeting with the approval of the Board Chairman or Board President.

Section 7. AUTHORITY: The Board has sole authority to prescribe and publish notices and rules regarding the use and occupancy of the building of the Corporation, the conduct of the members of the Post, its organizations, and the care and protection of its property.

Section 7.1. During periods of extraordinary events, such as National Emergencies and/or other adversities, when it is not possible for the American Legion Post 208 General Membership to meet and vote on necessary activities and expenditures for the viability of the Post; the Board of Directors of American Legion Post 208 is authorized, by the General Membership, to approve necessary expenses and other business matters until such time as the General Membership can meet to resume normal activities.

Section 8. Voting members of the Board of Directors consist of the following: Commander, Senior Vice-Commander, Junior Vice-Commander, Sergeant-at-Arms, Finance Officer, the six (6) Directors-at-Large (Trustees), the Adjutant appointed by the Post Commander, and all Past Commanders of Post 208 as Board *ex officio*. The Director of the Board can only cast a vote if a tie has occurred.

ARTICLE III MEMBERSHIP

Section 1. NOTIFICATION: Each member will assume the responsibility of forwarding his or her correct mailing address to the Post Adjutant and will notify the Post Adjutant of any changes thereof.

Section 2. ELIGIBILITY: Eligibility and qualifications for membership will be determined by the National Constitution of THE AMERICAN LEGION.

Section 3. APPLICATION: All applications for membership will be made upon the current forms as provided by THE AMERICAN LEGION, Department of Illinois, and presented to the Senior Vice-Commander with proof of eligibility, as defined by the National Constitution of THE AMERICAN LEGION and the Internal Revenue Service requirements.

Section 4. REJECTION: A rejected application will not be reconsidered for a period of one (1) year from date of such rejection.

Section 5. RESTRICTIONS

Section 5.1.A. INTRODUCTION: This section addresses convictions of felony crimes of a capital or infamous nature. Levels of these offenses are U.S. Federal Felony Class A, B, C, D and E, and State of Illinois Felony Class **M, X, 1, 2, 3** and 4. For purposes of this restriction, the State of Illinois standard is being used. Felonies of Class M through 3 include, but are not limited to: murder, rape, larceny, arson, burglary, treason and child sex exploitation or pornography. It is a conviction of these types of felonies that governs this restriction and applies to membership ineligibility. A Class 4 felony is the lowest level of offense, but in some cases may also be grounds for rejection or dismissal. Therefore, it shall be the authority of the Board of Directors to determine which type of felony, in addition to those listed above, shall be grounds to reject the application of an applicant, or cancel the membership of a current member.

Section 5.1.B. STANDARD OF CONDUCT: All persons convicted of a felony offense, either capital or infamous as stated above, in any United States Court of Law, shall not meet the standards for proper conduct nor the eligibility requirements for membership in Merle Guild American Legion Post 208.

Section 5.1.C. APPLICANT: Any applicant for Legion membership at Merle Guild Post 208 who has been convicted as stated above, shall have their application rejected.

Section 5.1.D. CURRENT MEMBER: Any Legion Post 208 member who is or was convicted in any United States Court of Law of a felony offense as stated above, shall have his or her membership in Merle Guild Post 208 rescinded, cancelled and revoked.

Section 5.1.E. SUBSEQUENT NOTIFICATION: Subsequent to the approval of the application for membership or transfer from another Post, the Board of Directors receives notification of a conviction of the above stated Felony Class, then that original application and its associated membership shall be rendered null and void, without right of appeal or petition.

ARTICLE IV DUES

Section 1. MEMBERS AND TRANSFEREES: Each member renewing his or her membership to THE AMERICAN LEGION will pay to this Post the sum of Forty-Five dollars (\$45.00) per year as dues. Transferees to this Post from another Post will pay the difference between the dues of the Post which he or she is transferring from, and the dues of Merle Guild Post 208, if less than Forty-Five dollars (\$45.00). Starting January 1st, 2022 membership dues are Fifty Dollars (\$50.00).

Section 2. PAST COMMANDERS: Membership dues for all Merle Guild Post 208 Past Commanders shall be paid for by the Post, as long as, they maintain an active membership and are in good standing in the Post.

Section 3. SERVICE PERSONNEL: Membership dues for all Merle Guild Post 208 members currently serving in the U.S. Armed Forces shall be paid for by Post 208 while they remain on active duty.

All Post 208 members separated or discharged under honorable conditions from active duty in the U.S. Armed Forces, by reason of a service-connected disability, shall have their dues paid for by the Post. As proof of eligibility, a copy of his or her DD Form 214 shall be on file with the Post.

Section 4. STATUS OF CURRENT MEMBERSHIP: The annual membership year of THE AMERICAN LEGION is from January 1 through December 31st of each year.

DELINQUENCY – A member whose dues for the current year have not been paid by January 1st will be classified as delinquent.

GRACE PERIOD – If his or her dues are paid on or before February 1st, he or she will be automatically reinstated.

SUSPENSION – If he or she is still delinquent after February 1st, he or she will be suspended from all privileges.

FORFEITURE – If he or she is still under suspension on June 13th of such year, his or her membership in THE AMERICAN LEGION will be forfeit.

REINSTATEMENT – Member so suspended or whose membership has been forfeited will be reinstated to active membership in good standing by a two-thirds (2/3) majority vote of the members present at a regular Post meeting, a quorum being present, and payment of current dues for the year in which the reinstatement occurs.

ARTICLE V DISCIPLINE

Section 1. APPROPRIATE CONDUCT: All members, employees and guests shall conduct themselves appropriately, and be tolerant and respectful of the rights of others while on Post property.

Section 2. RULES OF THE POST

Section 2.1. DISPLAY: The Board of Directors will determine and display the Rules of the Post in an area that is visible to our general membership, employees and guests. Any changes to these rules must be approved by the Board.

Section 2.2. POST RULES:

1. Proper conduct and behavior is always expected, at all times.
2. Disrespect to others will not be tolerated.
3. Loud, profane or abusive language is prohibited.
4. Children shall be supervised at all times.
5. Compliance with all warnings given by the Bartender is mandatory.
6. The Bartender and the Security Committee have the authority to refuse service and expel someone for the remainder of the business day.
7. The Bar Manager has the authority to recommend suspension of Post privileges for up to thirty (30) days.
8. The Post Commander has the authority to expel someone for up to thirty (30) days.
9. Suspensions of thirty (30) days or more shall be by determination of the Board.
10. Adherence to these rules and all policies of the Post is mandatory.

Section 2.3. ADDITIONAL RULES:

1. Alcoholic or illicit substances shall not be brought onto Post property for any reason, excluding normal beverage purchases for Post Bar use, or those alcoholic items to be used for Post raffle prizes only.
2. Alcoholic beverages shall not leave Post premises at any time.
3. Alcoholic beverages shall not be consumed outdoors without the approval of the Board.
4. Smoking on Post premises is only permitted outdoors within designated smoking areas.
5. All animals brought onto Post property shall not be left unattended. Animals shall not be brought into the Post Home at any time, excluding those assisting the physically impaired or disabled, whereupon the animal shall stay with the assisted person at all times.

Section 3. POLICY OF COMMON COURTESY

Section 3.1. POLICY: Intolerance, bigotry, and bullying are anti-ethical to the values of THE AMERICAN LEGION, and unacceptable within the Legion community. One of the ways this Post seeks to affect this value is through a policy of nondiscrimination, which prohibits discrimination on the basis of race, religion, color, gender, sexual orientation, ancestry, disability, marital status, former rank, volunteer and/or employee status. This policy is intended to inform Post members, employees and our guests that all types of improper behavior violate acceptable standards of conduct within this Post.

This policy seeks to provide certain minimum standards. Free speech and the open discussion of ideas are an integral part of the Legion and are fully encouraged but acts that restrict the rights and opportunities of others through violence, intimidation, property destruction and assault, even if only communicative in nature, are not protected speech and are to be condemned. This Post will not tolerate such behavior.

Section 3.2. PROHIBITED ACTS: The following acts are prohibited:

1. The use of force against the person or property of any member or employee of the Legion or against the person or property of anyone on Legion premises, or the threat of such physical abuse.
2. The theft of, or intentional damage to Legion property, or property in possession of, or owned by a member, employee or guest of the Post.
3. Acts committed by a person against another for the purpose to bully, intimidate or harass by:

- a. Improper physical contact or threat of contact, per Federal, State, or Local statues.
- b. Any type of offensive oral and/or written communication.
- c. Other courses of alarming conduct that interferes with the operation of the post.

Section 4. COMPLAINTS: All complaints whether verbal or written shall be documented and recorded. All complaints will be treated confidentially. Complainants are encouraged to report incidents even if they do not wish to pursue the matter beyond the reporting stage. All persons who believe they were victims of verbal assault, intimidation, harassment or bullying should report such incidents to the Post Commander, Post Judge Advocate or other Post Officer as soon as possible.

Section 5.1. IMMEDIATE ACTION: Post 208 authorities who are present or who become aware of an incident will take any and all immediate actions necessary to ensure the safety and well- being of all persons on Post property. Further, the Post Commander or his or her agent shall have authority to suspend any person at this Post until such time as an appearance by said person is made before the Board.

Section 5.2. SUSPENSION: The Board of Directors and/or the Commander will suspend Post privileges of those accused of serious infractions as described in the Incident Report. Suspensions may be communicated to the suspended person verbally or by letter.

Section 6. GRIEVANCES AND APPEALS

Section 6.1. COMMITTEE: The Board of Directors serves as the Post 208 Discipline and Appeals Committee. This committee hears all grievances and appeal and makes decisions on the appropriate disciplinary action for complaints and/or incidents of misconduct, improper behavior, and the theft or misuse of Post property covering all aspects where not covered elsewhere in the By-Laws. At the discretion of the Board, all grievances and appeals will be made in person or in writing.

Section 6.2. APPEAL TO THE BOARD OF DIRECTORS: Persons suspended due to a complaint or an Incident Report have the right to appeal at the next regularly scheduled meeting of the Board of Directors. They may call witnesses and/or present evidence. However, the suspended person(s) must appear in person and speak for themselves. To place their appeal on the agenda for the meeting, suspended persons must request to appear and list the persons that they will present on their behalf. All requests must be made in writing and submitted a minimum of three (3) days in advance of the next Board meeting. All agenda requests will be made to and approved by the Chairman of the Board or the Board President. If the agenda for the Board is full for the meeting the Chairman may defer the Disciplinary Hearing until the next regular Board meeting. The Board

reserves the right to prioritize its agenda at any time.

Section 6.3. CONTINUANCE: A suspended person may ask for one (1) continuance if they are unable to appear at the next regularly scheduled Board meeting. If a continuance is granted, then the suspension imposed will continue until the person appears before the Board or the Board reaches a decision.

Section 6.4. DELIBERATION: If the suspended person does not appear at the next regularly scheduled Board meeting or does not ask for a continuance, the Board shall begin deliberations based on input data from the Incident Report, the report of the investigating officer and all presenters. The Board will then deliberate as to the actions to be taken with regard to the suspended person. If a decision cannot be reached at the Board meeting, the incident will be taken up at the next regularly scheduled Board meeting, agenda and priorities permitting, with the suspension remaining in effect until the Board reaches a decision.

Section 6.5. COMMUNICATION: Once the Board has reached a decision, the person receiving the disciplinary action shall be notified by letter advising them of the decision by the Board, including requirements pertaining to that decision.

Section 6.6. REQUEST FOR REINSTATEMENT

Section 6.6.A. MANDATORY APPEARANCE: All suspended persons must appear before the Board of Directors at the end of their suspension to request reinstatement. The Board at its discretion, may grant or refuse the request for reinstatement of privileges.

Section 6.6.B. INTERIM APPEARANCE: All offenders receiving a suspension of one (1) month for a non-physical offense that was not a violation of the *Policy of Common Courtesy*, may request an interim appearance before the Board for reinstatement of privileges, provided there have not been any recorded complaints or Post violations during the suspension period.

This appearance must be within five (5) days before the end of the suspension. Requests to appear before the regularly scheduled Board meeting shall follow the prescribed procedure as stated elsewhere in the By-Laws.

Upon determination of the Board, the offender must serve the remainder of the original suspension before that determination becomes effective.

Section 7. ENFORCEMENT:

A. **AUTHORITY:** The Board of Directors has sole authority to deliberate and make decisions regarding an incident or complaint. Further, only the Board has the authority to rescind a suspension or reinstate Post or Bar privileges.

B. ACTION: The Executive Board in its determinations for all types of violations will take the following actions for the specific level of offense:

1. FIRST OFFENSE: The following sanction will be applied: the person will not be allowed on Post property for a minimum period of one (1) month.

2. SECOND OFFENSE: The following sanction will be applied: the person will not be allowed on Post property for a minimum period of three (3) months.

3. THIRD OFFENSE: The following sanction will be applied: the person will not be allowed on Post property for a minimum period of six (6) months or until further notice.

C. MANDATORY ACTION:

1. If the first or second offense was against another person, the offender will formally apologize to the victim(s) in writing. A copy of this apology shall be given to the Executive Board. If the second offense was against another person, the offender shall also verbally apologize to the General Membership at its next scheduled membership meeting.

2. If this is a second or third offense, further sanctions may be applied as stated elsewhere in these By-Laws.

3. If the offense was physical in nature, the person will not be allowed on Post property until further notice. Formal charges may be filed according to the National By-Laws and the Post 208 By-Laws. This offense may be reported to the appropriate law enforcement agency to determine whether charges should be filed. If there are no criminal or civil convictions the person may request an appearance before the Board to be allowed back onto Post property.

Section 8. INVESTIGATION: The Post Judge Advocate or a member of the Board of Directors designated by the Judge Advocate will investigate all complaints and/or incidents. This investigation will be completed prior to the next regularly scheduled Board meeting unless the investigating officer obtains agreement from witnesses to appear at the Appeal to the Board of Directors or obtains written statements prior to the meeting. Upon completion of the investigation, the Judge Advocate has authority to call an emergency meeting of the Board if a meeting is not already scheduled within the next forty-eight (48) hours to review the findings and take appropriate action. All original copies of any complaints and incidents shall be given to the Judge Advocate.

ARTICLE VI MEETINGS

Section 1. REGULAR MEETINGS: The regular general membership meetings of this Post will be held on the second (2nd) Tuesday of each month at seven (7) p.m. for the transaction of such business as may be properly brought before the membership. Such meeting may be converted to an entertainment function if deemed advisable by the Executive Board.

Section 2. LEGAL HOLIDAYS: Meetings of the Post membership falling upon a legal holiday will automatically be moved to the following Tuesday.

Section 3. QUORUM: Fifteen (15) Post members in good standing, present in person will constitute a quorum for the transaction of business at all general membership meetings of the Corporation.

Section 4. RULES OF ORDER

Section 4.1. PROCEDURE: The procedure of business at any regular meeting of this Post will be conducted according to the National and Department Ceremonial Ritual.

Section 4.2. PROCEEDINGS: At all meetings of the Post, *Robert's Rules of Order Newly Revised* (11th Edition) shall govern the proceedings, except as otherwise provided herein.

Section 4.3. PROHIBITED ACTS: All acts that serve to disrupt or interfere with the proceedings of any Post meeting are prohibited.

Section 5. GUEST APPEARANCE: All persons requesting to appear before the General Membership may do so provided proper notification is given and approval is granted. To place their appearance on the agenda for the meeting, the request must be made in writing and submitted a minimum of three (3) days in advance of the scheduled meeting. All agenda requests will be made to the Post Commander.

If the agenda for the meeting is full, said person may be notified. The Commander reserves the right to prioritize the meeting agenda at any time.

Appearances by persons without proper notification may be accepted if permission is granted before any meeting with the approval of the Commander.

ARTICLE VII ELECTIONS

Section 1. ELECTION OF OFFICERS: The annual meeting of the Post and Corporation for the election of officers will be the last meeting prior to the Department Convention, and by such time limits as stated in the Department Constitution.

Section 2. NOTIFICATION: Notice of the annual meeting will be published in the Post newsletter distributed prior to the election meetings, or the Post Adjutant will send notice of the annual election meeting to the Post membership at least two (2) weeks prior to such election meeting.

Section 3. COMMITTEE NOMINATIONS: Nominations for elective officers will be made by a Nominating Committee consisting of three-to-five (3-5) members, who have attended at least fifty percent (50%) of all Post meetings and have been in good standing. The Nominating Committee will be appointed by the Post Commander and approved by the Post membership. The Chairman of the Nominating Committee will be appointed by the Committee members. The Nominating Committee will select from the membership of the Post, candidates who in their judgment are the best qualified members who have attended a minimum of fifty percent (50%) of the Post meetings and are in good standing. The nominated candidates will fill the offices of Commander, Senior Vice-Commander, Junior Vice-Commander, Sergeant-at-Arms, Judge Advocate, Finance Officer and six (6) Directors-at-Large as of the 1978 elections. Each year thereafter two (2) Directors-at-Large will be nominated to fill expired positions. The recommendations of the Nominating Committee will be presented at the regular Post meeting preceding the annual elections meeting of the Post. Failure to comply with these requirements will automatically place open nominations before the members at the annual election meeting of the Post, a quorum being present.

Section 4. OPEN NOMINATIONS: Nominations at the annual election for an elective office of Post 208 may be made from the floor by anyone who has been a member of the Post for at least three (3) months in good standing.

Section 5. ELIGIBILITY REQUIREMENTS: Any member who has attended fifty percent (50%) of Post meetings will be eligible to hold office, except for the offices of Post Commander, Senior Vice-Commander or Junior Vice-Commander, each of which require a membership in the Post for at least two (2) consecutive years immediately prior to the time that he or she assumes office, and has attended a minimum of two-thirds (2/3) of Post meetings, and was in good standing during that required period of time.

Section 6. NOMINEE REQUIREMENTS: All nominees shall be members of the Post for a minimum period of at least one (1) year and have attended at least fifty percent (50%) of the Post meetings and are in good standing. Nominees shall meet the requirements for the elective office as determined by the Chairman of the Nominating Committee.

Section 7. NOMINEE ACCEPTANCE: Each candidate for an office will declare his or her willingness to serve by personal appearance before the membership or by written commitment filed with the Post Adjutant, at the time of nomination to the office for which he or she is a candidate.

Section 8. VOTING PROCEDURE

Section 8.1. UNOPPOSED NOMINEES: Where there is only one (1) candidate for an elective office, a motion to have the Post Adjutant cast one (1) ballot for that candidate to fill that office shall be made and a voice vote of members present taken.

Section 8.2. OPPOSED NOMINEES: All elections will be by secret ballot and a candidate who secures the majority of all votes cast by the members present will be elected to that office. If more than two (2) candidates are running and no majority is received, the candidate with the lowest vote will be eliminated and the voting will continue until one (1) candidate receives a majority of the votes cast.

Section 9. DIRECTORS-AT-LARGE: Beginning with the annual Election meeting of 1978, there were elected to the Board of Directors, two (2) Directors-at-Large for a term of three (3) years, two (2) Directors-at-Large for a term of two (2) years, and two (2) Directors-at-Large for a term of one (1) year. At each subsequent yearly election, two (2) Directors-at-Large will be elected to fill expired vacancies. In the event of an unexpired term of a vacated Office of the Board of Directors, the Commander will nominate a replacement candidate at the next monthly meeting of the Post. Such nomination is open to any member in good standing from the floor. Following acceptance of the nomination(s), an election will be conducted for that office as described in this Article above.

Section 10. OFFICER INAUGURATION: Each year all newly elected officers and newly elected trustees will assume office when the gavel drops at the close of the Department of Illinois Convention. All Post Officers except the Directors-at-Large will hold office for one (1) year or until their successor is duly elected or appointed.

Section 11. DEPARTMENT CONVENTION

Section 11.1. ELECTION OF DELEGATES: Delegates to the annual Department Convention of THE AMERICAN LEGION, Department of Illinois, will be the number of delegates set by the Department. In the event of a contest, the candidate with the least number of votes will be dropped and a new vote taken of the remaining candidates until the needed number of Delegates have been elected.

Section 11.2 ALTERNATE DELEGATES: Alternate delegates to the annual Department Convention of THE AMERICAN LEGION, Department of Illinois, will be the same in number as the regular prescribed voting procedure for the election of Delegates.

Section 12. REGISTRATION: The names of all officers, Delegates-at-Large, Delegates and Alternates to the annual Department Convention, American Legion, Department of Illinois, elected in accordance as stated above in this Article of these By-Laws and the names of other officers requested by the Department of Illinois, will be forwarded to the Adjutant of the Department of Illinois as required in the Department Constitution.

Section 13. No Officer that controls the following, but not limited to, money, writing checks, or has access to bank accounts, shall not be a paid employee of the American Legion Post 208.

ARTICLE VIII APPOINTMENTS

Section 1. IMMEDIATE APPOINTMENTS: The Post Commander, upon taking office when a vacancy occurs shall appoint the following Officers: Post Adjutant, Post Chaplain, Post Historian; and the Chairman of the following committees: Americanism, Service, Publicity, Athletics, Boy Scouts of America, Memorial Day and the chairman of other such committees as may be deemed necessary. These appointments must be submitted to the Post membership for their approval at the next regular meeting of the Post, a quorum being present.

Section 2. ADDITIONAL APPOINTMENTS: For better execution of its duties, the Commander and/or the Board of Directors may appoint committees and other assistants. Any action taken by such committees, groups or persons will be subject to the approval of the Board as a whole.

ARTICLE IX VACANCIES

Section 1. DECLARATION OF VACANCY: A two-thirds (2/3) majority vote of the Post membership at any regular Post meeting, a quorum being present, can declare vacant the position of any elected officer who may be absent without reason for three (3) consecutive Post meetings. Notice of such proposed action will be given such Officer seven (7) or more days prior to the Post meeting at which the vote to declare the office vacant will be taken.

Section 2. NOMINATIONS FOR VACANCIES: Nominations for all vacancies existing in the Elective Officers or Delegates-at-Large of the Post will be filled by a simple majority vote of the members present at any regular Post meeting, a quorum being present.

ARTICLE X

DUTIES OF OFFICERS

Section 1. COMMANDER: The Commander of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her election to that office, is the President of the Corporation. He or she will preside at all meetings of the Post and of the Corporation, having the usual and customary duties of the Commander of an American Legion Post and of the President of a corporation except as herein otherwise provided. The Commander will appoint the Adjutant, Chaplain, Service Officer and any other officers or chairmen required by the Department, Division or District needed to conduct the activities of the Post. He or she will serve as an *ex officio* member of all committees except the nominating committee. He or she will guide the destiny and policies of this Post, present recommendations for the coming year, and will present a report at the annual meeting of the Post. In addition, he or she will perform such duties as directed to do so by the Post membership or the Board of Directors. He or she does not qualify to serve in any other officer's capacity for the duration of their duties as Commander.

Section 2. SENIOR VICE-COMMANDER: The Senior Vice- Commander of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her election to that office, is the First Vice President of the Corporation. In the absence or disability of the President, the First Vice President will perform his or her duties. He or she will act as the Membership Chairman and it will be his or her duty to report the membership information at the regular Post meetings after his or her induction into office. He or she will perform such duties as the Membership Chairman as set forth by the Post Commander or the Board of Directors.

Section 3. JUNIOR VICE- COMMANDER: The Junior Vice- Commander of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her election to that office, is the Second Vice President of the Corporation. In the absence or disability of the President and the First Vice President, the Second Vice President will assume the duties of President. He or she will be the Entertainment Chairman and it will be his or her duty to report on or before the following regular Post meetings after his or her induction into office. Duties to be performed as the Entertainment Chairman are set forth in Article XIII of these By-Laws. He or she will perform such duties as directed by the Post Commander or the Board of Directors.

Section 4. SERGEANT-AT-ARMS: The Sergeant-at-Arms of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her election to that office, is the custodian of the National and Post Colors. He or she will preserve order at all meetings and will perform such other duties as directed by the Post Commander.

Section 5. JUDGE ADVOCATE: The Judge Advocate of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her election to that office, be the Chairman of the Legal Committee and shall be the advisor to the Commander and to the Post on all legal matters concerning the interpretation of the National, Department and Post Constitutions and By-Laws. He or she will be the legal advisor to the

Commander and to the Post in all legal matters pertaining to the organization and shall perform such other duties incident to his or her office. As such, the Judge Advocate shall have a voice at all Board of Directors meetings, excluding voting privileges.

Section 6. FINANCE OFFICER: The Finance Officer of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her election to that office, is the Treasurer of the Corporation. He or she shall supervise the Post finance department and oversee all financial transactions and accounts of the Corporation, as such, he or she shall not be an employee of the Post, as this may cause a conflict of interest or obligations. The Finance Officer shall make statements of receipts and disbursements at each monthly meeting and a statement of the financial condition of the Post at the annual meeting, or at such times as requested by the Board of Directors. He or she will be the Chairman of the Finance Committee.

Section 7. AUDITOR-AT-LARGE: The Auditor-at-Large of Merle Guild Post 208 of THE AMERICAN LEGION shall audit the financial books of the Post every six (6) months. This position will be elected or appointed by the Board of Directors. The findings of the auditor will be presented to the Board of Directors and at the general meeting.

Section 8. ADJUTANT: The Adjutant of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her appointment to that office, is Secretary of the Corporation. He or she will keep a record of all meetings of the Corporation and will have the usual and customary powers and duties of the Adjutant of an American Legion Post and the Secretary of a Corporation, except as otherwise provided herein. He or she will keep such records as the National and Department Headquarters of THE AMERICAN LEGION and the Post require. He or she will handle all correspondence of the Post. He or she will send all notices for all meetings as further provided in these By-Laws. The Adjutant shall report all pertinent information from previous Post and Board of Directors meetings at the Post membership meeting.

Section 9. SERVICE OFFICER: The Service Officer of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her appointment to that office is the administrator of all issues and concerns pertaining to the needs of veterans and their families and shall perform such other duties incident to his or her office. As such, he or she shall be the Chairman of the Service Committee. The duties of the Service Committee are set forth in Article XIII of these By-Laws. He or she will perform such other duties as directed by the Post Commander or the Board of Directors.

Section 10. HISTORIAN: The Historian of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her appointment to that office, is the Post Historian. He or she shall complete an editorial and pictorial record of the activities of the Post. He or she will perform such other duties as directed by the Post Commander or the Board of Directors.

Section 11. CHAPLAIN: The Chaplain of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her appointment to that office, is the Post Chaplain. He or she will be in charge of the spiritual welfare of the Post and may offer divine but non-sectarian services at all Post and public functions, and at private funeral services if requested by the Color and Honor Guard Commander. He or she shall adhere to such ceremonial rituals as recommended by the National and Department Headquarters of THE AMERICAN LEGION.

Section 12. TRUSTEE: A Trustee of Merle Guild Post 208 of THE AMERICAN LEGION, shall by virtue of his or her election or appointment to that office in cases of vacancy, is a Director-at-Large and shall hold a seat on the Board of Directors. He or she shall be entrusted with the responsibility of managing and governing the Post.

ARTICLE XI STANDARDS

Section 1. AMERICAN LEGION AND AFFILIATED ORGANIZATIONS MEMBERS

Section 1.1. CONDUCT: All members shall conduct themselves in accordance with ethical and behavioral standards as may be defined by the Board of Directors. All members of all organizations functioning within and the support of THE AMERICAN LEGION and Post 208 will conduct themselves to the highest standards of the Legion, the Auxiliary and the Sons of The American Legion. A member who is unable or unwilling to uphold these standards as such should resign or consider being asked to resign their membership with Post 208.

Section 1.2. FREEDOM OF SPEECH: Freedom of Speech is the right of all American citizens, guaranteed to them in the *Constitution of the United States of America*. One of the aspects of this freedom is that it does not allow one to voice harmful remarks against another or an organization without generating potential repercussions.

Any member who exhibits this type of behavior, such as voicing dissenting remarks over internet social media or in any place outside of this Post, serving to denigrate Legion Post 208, its Governing Board, members and/or its policies shall be in violation of Post 208 ethical and behavioral standards.

It is mandated by the Board that complaints by members be voiced at the proper place; that their complaints are not voiced to or discussed with the General Public.

A review by the Board of Directors shall determine if such acts are maliciously damaging to the integrity of the Post or could be construed by the General Public to be as such.

Section 1.3. STATUS: Even though a member is suspended or expelled from Post 208, their status as a member of THE AMERICAN LEGION, its affiliated organizations is

unaffected; consequently, suspended or expelled members may participate at another Post if they choose.

Section 1.4. REVIEW: The Board shall take reasonable action to review the backgrounds of all Post and its organizations officers to insure they have no criminal background and do not pose a threat to the community or to the Post 208 family.

Section 2. AMERICAN LEGION MEMBERS

Section 2.1. CHARGES: Charges made against a member will be in accordance with the instructions contained in Article IV of the By-Laws of The American Legion.

Section 2.2. SUSPENSION OR EXPULSION: Members may be suspended or expelled from this Post and from THE AMERICAN LEGION only upon the proper showing of cause in accordance with the rules of THE AMERICAN LEGION.

Section 2.3.A. REINSTATEMENT: Members who have been expelled from this Post may be reinstated to membership by a two-thirds (2/3) majority vote of the members present at any regular Post meeting, a quorum being present.

The Post, at its option, may also require a member whose membership has been forfeited to make payment of any arrears in dues at the time of expulsion as a condition for reinstatement.

Section 2.3.B. NON-REINSTATEMENT: Members who have been expelled from this Post shall have no right of appeal or petition if said forfeit was imposed by Executive Board action resultant from the violation of the terms of said member probation or suspension.

Section 3. REMOVAL FROM OFFICE

Section 3.1. JUST CAUSE: Any officer or executive committeeman may be removed for just cause as defined in *Robert's Rules of Order Newly Revised* (11th Edition) by the Executive Board, a two-thirds (2/3) majority vote of said Board being necessary to affect such removal.

Section 3.2. ABUSE OF TRUST: If an elected or appointed officer abuses the trust placed in him or her by Post 208, he or she may be removed from the office in accordance with the rules and regulations outlined in the National or State By-Laws and as further described in *Robert's Rules of Order Newly Revised* (11th Edition).

Section 4. STOLEN VALOR: Any member who knowingly misrepresents him or herself militarily, either through voice, photographic imagery or by wearing medals, decorations, ribbons, attachments etc., not officially awarded, or eligible to wear, by their respective branch of the Armed Forces or the Government of the United States, shall incur the review of the Executive Board. Said misrepresentation shall be

grounds for disciplinary action such as reprimand, suspension, or revocation of membership.

ARTICLE XII

FINANCE

Section 1. EXPENDITURES

Section 1.1. AUTHORIZED APPROVAL: Expenditures up to and including two hundred fifty dollars (\$250.00) may be approved without pre-notification when authorized by the Commander, Finance Officer and one (1) other Board member. The Finance Officer or the Business Office Manager is authorized to pay all debts incurred by the Post for normal operations when due as long as they are reviewed by the Board. These expenditures are subject to all Board policies and must be reported at the next Board meeting.

Section 1.2. BOARD APPROVAL: Any expenditure equal to or less than one thousand dollars (\$1,000.00) of a non-emergency nature may be passed by the Board of Directors by a simple majority vote of the Directors, a quorum being present.

Section 1.3. JOINT APPROVAL: Any expenditure greater than one thousand dollars (\$1,000.00) of a non-emergency nature must be passed by both the Board of Directors and the General Membership.

Section 2. CONTRIBUTIONS: All contributions made by the Post shall only be given to an approved charity or organization meeting THE AMERICAN LEGION criteria such as of one (1) of the following four (4) types: Veterans Affairs & Rehabilitation; National Security; Children & Youth; and Americanism.

Section 3. TRANSACTIONS OF MONIES: All committees and/or programs involved in transactions of monies from any functions managed by said committee and/or program shall turn in all proceeds and receipts over to the Finance Officer, his delegated member or the Business Office Manager for deposit. Further, they will submit to the Post membership a written report at the next regular post meeting, a quorum being present, with a copy to place on file with the Post Adjutant. These committees and/or programs handling special activities must submit their report within not more than forty (40) days after the activity has closed. Standing committees and/or programs must submit a report to the Post membership each month.

Section 4. APPLICATIONS FOR PROPERTY USE: The Board may accept applications for the use of the Post buildings and properties by persons who are not members of the Corporation, and upon approval by the Board, may issue certificates evidencing approval and rates as defined by the Board. The Board and/or its designated Rental Chairman may rent and/or lease the Post facilities. Rental rates will be determined by Board action rather than individual action.

Section 5. COMPETITIVE BIDDING: Financial remuneration accorded any private company or individual shall not be allowed without competitive bidding. A minimum of three (3) independent bids shall be accepted by an officer or member appointed by the Board of Directors, but not to include the bidding member or members. The award of any contract to a successful bidder shall be subject to the approval of the Board.

Section 6. CONFLICT OF INTEREST: Conflict of interest shall be defined as an elected or appointed officer receiving any benefit (financial or otherwise) without the approval of the Board of Directors.

Section 7. PRIVATE ENTERPRISE: Private enterprise for the benefit of a Private Company of individuals shall be strictly forbidden. All financial arrangements for the sale of merchandise or services shall be totally for the benefit of Post 208 only.

Section 8. LIMITATIONS OF LIABILITY: The Post shall not incur or cause to be incurred any liability or obligation whatsoever which shall subject any other Post, subdivision of, or a member of THE AMERICAN LEGION or THE AMERICAN LEGION itself, or any other individual, corporation or organization to be responsible for all or part of such liability or obligation.

Section 9. INVESTIGATION AND LEGAL ACTION: Suspected theft, embezzlement or misuse of Post monies or properties shall be investigated under the direction of the Judge Advocate and the Board of Directors. If evidence is presented to the Board that a crime has been committed, the Judge Advocate and the Board will take the appropriate legal action available to them by the State of Illinois to prosecute or sue the Company and/or the individuals suspected.

ARTICLE XIII COMMITTEES

Section 1. SECURITY COMMITTEE: The Security Committee shall consist of all current Post Officers and all Past Commanders of legion Post 208 in good standing. This committee is delegated with the responsibility of maintaining order and ensuring compliance with all Post By-Laws, its policies, and rules, at Post 208 and on its property.

Committeemen shall have authority to direct all action necessary to safeguard the Post, its property, its employees, members, guests, and visitors. Committeemen may act individually or as a whole.

Committeemen shall have authority to issue a verbal reprimand, or an expulsion order as warranted, to any individual threatening the well-being of anyone at the Post, or on its property; also to any individual who exhibits improper behavior or conduct contrary to our policies; or if the incident occurs in the Post Bar, said individual fails to be compliant with the direction of the Bartender. Such expulsions from Post property shall be limited to the suspension of all Post privileges for the remainder of

the day in which the incident occurs.

If an incident occurs on Post property that is physical in nature, Committeemen shall have authority to suspend an offender until further notice when they are witness to, or subsequently become aware of the incident.

An *Incident Report* shall be filed for record purposes. This report shall be given to the Post Commander, Judge Advocate, or Executive Board for review.

All committeemen, who do not act to secure the Post or maintain order when necessary, may be subject to disciplinary action.

In the event of an emergency, natural disaster, or an incident that cannot be remedied or resolved by the Security Committee, the Post Commander and/or the local authorities, such as the Village of Arlington Heights, the Arlington Heights Police and/or Fire Department should be notified immediately.

Section 2. MEMBERSHIP COMMITTEE: The Membership Committee shall have supervision over the securing of new members, reinstatement of old members, and the transferring of members from other posts. This committee will consider the eligibility of all candidates for membership and will present to the Post their recommendations for what action to be taken.

Section 3. SERVICE COMMITTEE: The Service Committee will have as one of its duties, the handling of all relief work pertaining to veterans and their needs; such as aid to disabled servicemen and their families, assistance in securing governmental aid and compensation, temporary relief for the families of totally disabled or deceased former servicemen and such other work as may be assigned to them by the Post Commander or the Board of Directors.

Section 4. PUBLICITY COMMITTEE: The Publicity Committee shall, with assistance of the Post Adjutant and the Post Historian, have charge of the publishing of the Press or otherwise, activities of the Post.

Section 5. ENTERTAINMENT COMMITTEE: The Entertainment Committee shall be responsible for the social activities of the membership at the regular business meetings and the social meetings. It will assist in raising funds for the Post through planned activities throughout the year.

Section 6. ATHLETICS COMMITTEE: The Athletics Committee shall organize, direct and manage all Post athletic activities.

Section 7. BOY SCOUTS OF AMERICA COMMITTEE: The Boy Scouts of America Committee shall consist of one-to-three (1-3) Post members who will cooperate with the local council of the Boy Scouts of America in furthering the ideals of scouting.

Section 8. FINANCE COMMITTEE: The Finance Committee shall consist of the Finance Officer and six (6) Directors-at Large. All checks are to be signed by one (1) of the following four (4) persons: Post Commander, Finance Officer, Concessions Chairman or Business Office Manager.

Section 9. POST OPERATIONS COMMITTEE: The Post Operations Committee shall consist of three-to-five (3-5) Post members. It shall administer the routine order of normal business for the Post, including the supervision of employees, the operation of the Post Bar, and all hall rental transactions. All decisions of the Committee shall be reported to the Board of Directors, who shall have final authority over any decisions made.

Section 10. POST SUPERVISORY COMMITTEE: The Post Supervisory Committee for the Sons of The American Legion Squadron 208 of this Post shall consist of three (3) or more members of the Post appointed annually by the Board of Directors on nomination by the Post Commander. The Committee shall oversee and guide the squadron. The Committee shall provide assistance and support to the Squadron, so that Squadron members may gain a better understanding of all policies, rules and proper procedures.

ARTICLE XIV PROGRAMS

Section 1. COLOR AND HONOR GUARD: The Color and Honor Guard of Merle Guild Post 208 of THE AMERICAN LEGION shall by virtue of its formation, present and safeguard our National and Post colors.

The Guard shall distinguish itself at all official functions and events that require a formal Legion presence. The Guard shall serve at memorials, parades and other special events and ceremonies as directed by the Guard Commander, Post Commander or the Executive Board.

The Honor Guard shall provide dignified funeral or memorial services for all veterans when requested by the family of the decedent or as directed by the Guard Commander. Requests shall be transacted through the Guard Commander or his designee. The Color and Honor Guard shall be comprised of all eligible Post members in good standing.

Section 2. SONS OF THE AMERICAN LEGION: The Sons of The American Legion (S.A.L.) is a legally constituted civilian organization, instituted and recognized by official action of THE AMERICAN LEGION.

S.A.L. Squadron 208 exists through the sponsorship of the Merle Guild Post 208 of THE AMERICAN LEGION and is subject to such rules, regulations and supervision as shall be created by Legion Post 208 not in conflict with the rules and regulations set up by the National Executive Committee of the Sons of The American Legion.

S.A.L. Squadron 208 shall be supervised by the Post Supervisory Committee. This committee shall guide, assist and support the squadron so that its members may gain a better understanding of all policies, rules and proper procedures.

The S.A.L. Detachment of American Legion Post 208 in accordance with its sponsored intention, shall have as one of its main goals to assist Legion members and support the programs of the sponsoring Post at all times.

Section 3. POST EMPLOYEES: The Board shall employ persons to manage its Business Office, maintain the Post Home and property, and operate its Post Bar. These employees may include the Business Office Manager, the House Manager, the Bar Manager, Bartenders and Maintenance Persons. Employees shall fulfill the requirements of their respective job description, and follow all policies stated in the Post Employee Handbook.

Section 3.1. REVIEW: The Board shall take reasonable action to review the backgrounds of all potential Post 208 employees to insure they do not have a criminal background and do not pose a threat to the community or to the Post family.

Section 3.2. ACTION: The Board will hire and/or discharge employees of its property. May fix and pay salaries of such persons, and by Board action rather individual action, direct such activities.

Section 3.3. REMOVAL: Employees who fail to carry out their duties in a responsible manner, or whose actions are deemed detrimental to the Post and/or its programs, may be removed from their position.

Section 3.4. SUSPENSIONS: Suspended employees may be placed on probation with or without restrictions in lieu of their suspension. They are banned from Post property, except for entry to facilities for the sole purpose of fulfilling their employment requirements and obligations. They must leave Post property at the end of their working period. No Post services are allowed.

Section 3.5. TERMINATION OF EMPLOYMENT: All employees shall face automatic termination of Post-employment if, by determination of the Board, said employee is found guilty of any authorized use of alcohol or illegal drugs and/or the theft of Post property. Further, other reasons for termination are listed elsewhere in this article.

Section 3.6. NOTIFICATION: Following a determination by the Board, a verbal and/or written notification will be given to the employee regarding their termination and the reason for the decision that was made. Further, terminated employees do not have the right of appeal or appearance before the Board once the determination to terminate employment is made.

ARTICLE XV RESOLUTIONS

Section 1. PRESENTATION: All resolutions of State or National scope presented to the Post by a member or by a committee, shall merely embody the opinion of the Post on the subject. A copy of the resolution shall be forwarded to the Ninth District Council, Department of Illinois or THE AMERICAN LEGION for consideration before any publicity is given or action taken other than the mere passage of the resolution by the Post.

ARTICLE XVI AMENDMENTS

Section 1. OFFICIAL DOCUMENT: The By-Laws is an official document of Merle Guild American Legion Post 208. Post By-Laws can be viewed on our website at: www.arlingtonheightsamericalegion.org. American Legion Post 208 By-Laws cannot be copied without the expressed approval of the Post Commander or the Executive Board.

Section 2. TERMINOLOGY: The words "Post" and "Corporation" as used in these By-Laws are synonymous and interchangeable.

Section 3. EFFECTIVE DATE: These By-Laws will be in force from the date of their adoption or revision. The former By-Laws and all previous editions of the By-Laws are obsolete. Retention of any past editions of the By-Laws shall be for archival record only.

Section 4. REVISION: These By-Laws may be amended at any regular Post meeting by a two-thirds (2/3) majority vote of the Post members attending, a quorum present. The proposed amendment shall be printed and distributed to those Post members in attendance at the next regular Post meeting following notification to all members at least thirty (30) days in advance of the date when such amendment is to be voted upon. When the amendment is voted approved, the revised By-Laws will be recorded as approved.

ARTICLE XVII APPROVAL AND ADOPTION

The By-Laws contained herein, in accordance with Article XVI of these By-Laws, have been duly recorded as approved and are hereby adopted for use by Merle Guild American Legion Post 208, Arlington Heights, Illinois on the 1st day of June 2021, A.D.

END OF THIS DOCUMENT