

AMVETS



AMVETS

Department of New Jersey

By-Laws

***As Approved
June 2, 2017***

AMVETS DEPARTMENT OF NEW JERSEY BY-LAWS

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DEPARTMENT BYLAWS

ARTICLE I: DEPARTMENT EXECUTIVE COMMITTEE

Section 1. Each post in the Department of New Jersey shall elect a Department Executive Committeeman to represent the post at all meetings of the Department Executive Committee. Each post shall also elect an Alternate Department Executive Committeeman. In the event that a Post does not elect a Department Executive Committeeman, the Post Commander shall serve as Post Department Executive committeeman. In the event that the Post Commander cannot fulfill this responsibility, the Post Commander shall appoint an Alternate post department executive committeeman. Post commander shall notify Department HQS prior to the DEC.

Section 2

(a) Stated meetings of the Department Executive Committee shall be held as follows: in conjunction with the Department convention and in the Fall and Spring. On reasonable notice, special meetings may be held at the call of the Department Commander. The Department Commander shall call a meeting of the Department Executive Committee on the written request of Department Executive Committeemen from at least 25 percent of the organized posts. All SEC meetings will be held within the state of New Jersey.

Section 3. One third of its members being present shall constitute a quorum of the Department Executive Committee.

Section 4. The Department Finance Committee shall be charged with the preparation of the annual budget and the handling of funds, subject to the approval of the Department Executive Committee at the **DEC** meeting and the limitations set forth in the constitution.

Section 5.

(a) The Department Commander may preauthorize any department officer, committee chairman, member of a committee or other authorized representative to receive reimbursement for authorized activity on behalf of the organization if such funds are available within the approved budget. At each meeting of the Department Executive Committee, the Finance Officer shall report all such disbursements since the last meeting of said committee for its approval.

(b) Those persons referred to above and those listed in 2(b)(1) must submit completed expense vouchers postmarked or faxed not later than 30 days after the authorized activity at which the expenses occurred. Vouchers received after that date will not be considered for payment.

Section 6. No member may hold more than one elected State Department office at one time. but may hold elected office (trustee) in AMVETS Department of New Jersey Foundation or Convention Corporation. They shall not serve as President. All questions affecting the eligibility for office and conduct of Department officers shall be referred to and determined by the Department Executive Committee. All questions affecting the eligibility for office and conduct of Department Executive Committeemen, department officers or members of the Department Executive Committee shall be referred to and determined by the Department Executive Committee. In the event of a Department, and Foundation vacancy, the State Commander shall be empowered to appoint a member to fill the vacancy pending approval at the following DEC meeting

Section 7. The Department Grievance Committee shall be the Department Commander, First vice Commander, Second vice Commander and the Third vice Commander. Or any other member appointed by the State Commander. The Department Commander shall serves as chairman and vote only in the case of a tie. The Judge Advocate shall adhere to Appendix B of the National AMVETS By-Laws. Should a grievant be a member of the DGC, a vacancy shall exist and the Department shall appoint a Past State Officer to fill such vacancy for the duration of the grievance hearing.

Article II: Committees

Section 1: Department Committees. The following committees are hereby identified as Department committees. The Department Commander shall appoint (except where otherwise indicated) a chairman, vice chairman and such members of AMVETS to each committee as are necessary to accomplish its objectives. The department commander is empowered to consolidate duties and eliminate programs. The Department Commander shall prescribe the duties and responsibilities of said committees unless otherwise indicate. All committees will receive and develop and consider resolutions. Appointments are effective prior to the next **DEC** meeting and are for a period of one year (except where otherwise indicated). The member composition, duties and responsibilities of the Department Executive Committee, Department Finance Committee and Department Grievance Committee are described elsewhere in the Department Constitution and Bylaws.

- a. The Department Commander, Judge Advocate, Executive Director/Adjutant and Immediate Past Department Commander shall serve as Ex-officio members of all committees and subordinate organizations, without Voting privileges, under the AMVETS Department of New Jersey.
- b. The Executive Director/Adjutant shall be the recording secretary at all Committees and subordinate organization and maintain audio records of all Meetings.., Written minutes, of all meetings Shall be distributed, to members of that committee as well as the officers of The Department, within a reasonable period of time as set by the Department Commander.

Constitution and Bylaws the Committee shall be appointed by the Department Commander. It will meet annually or as required to review the existing Constitution and bylaws and furnish recommendations to the Posts for review and comment as outlined in the sections governing Amendments. It will review recommendations from the posts or its members on the floor of the Convention.

Credentials Committee. To supervise the registration of delegates, alternates, members and guests at the Department convention and to set forth the voting strength of the convention in accordance with the provisions of the AMVETS Department Constitution and Bylaws. The committee shall be appointed by the department commander.

Honors and Awards Committee. The members of the committee shall be all Past Department Officers. The present Department Commander shall also serve and appoint a Chairman

Membership Committee. To consider all matter relating to the development of AMVETS through membership activities. This committee shall be the responsibility of the First vice Commander.

Resolutions Committee. Incorporated by reference to Article II of the National By-Laws.

Women Veterans Committee. This committee shall be appointed by the Department Commander.

Convention Rules Committee This committee shall be the Convention Corporation. This committee shall submit any changes to the adopted convention rules at the **DEC** meeting prior to the convention.

Finance Committee The Finance Committee shall meet in April and prepare a provisional budget and submit it to the **DEC** for approval at the Department Convention. The Committee shall supervise the expenditures during the fiscal year. This Committee shall consist of the finance Officer and Department Trustees.

Section 2. Special Committees

(a) The Department Commander may appoint or remove such special committees as deemed necessary to the proper conduct of organizational affairs.

(b) The Department Commander shall appoint members to serve on any special committee until the term of the State Commander end.

(c) Special committees are empowered to conduct business using electronic media. Minutes and votes of special committee Meeting shall be promulgated with physical copies of faxes/ e-mail and/or voice recording that are corroborated with signed signature by participants

Section 3: Each committee authorized by these constitution and bylaws must report its activities and recommendations at each **DEC** meeting and at the annual Department convention.

ARTICLE III: DUTIES OF OFFICERS

Section 1: All elected and appointed officers shall be administered the Oath of Office at the end of the Department Convention and shall take office on the installation of the Department Commander and serving until the installation of the next Department Commander. In no case shall the assumption of duties take place later than July 1. The reports of all elected officers and Directors shall be submitted to the Adjutant (Executive Director) seven (7) days prior to each scheduled **DEC** meeting and Department Convention. The Executive Director/ Adjutant shall not hold any elected State, Foundation or Convention Corporation Office.

Section 2: Department Commander. The Department Commander shall be the Executive Head of Department of New Jersey AMVETS, with full power to enforce the provisions of the Department Constitution, the Department Bylaws and the will of the Department convention and Department Executive Committee. The Department Commander shall serve as an ex-officio member with the right to vote only in the case of a tie vote on all committees. The Department commander shall perform such other duties as are usually incident to the office. The Department Commander shall exercise full authority as Chief executive Officer of AMVETS Department of New Jersey, and as such, all members shall adhere to the “Chain of Command”

Section 3: Department Commanders. The Department Commanders shall act as representatives of the Department in all matters and, on the Department Commander, preside over sessions of the Department Convention or the Department Executive Committee.

(a) Department First Vice Commander. The Department First vice Commander shall be primarily responsible for the membership of the organization and shall coordinate with all post membership directors or vice commanders in charge of membership. The Department First vice Commander shall also—

(1) Correlate the convention mandates on membership between the state department and posts;

(2) Review and reevaluate current membership programs and report recommendations to the Department Commander, the Department Executive Committee and the Department Convention;

(3) endeavor to create and present new membership incentives to the Department Commander and the Department Executive Committee;

Any newly Chartered Post, will receive Funds from the Department to assist in their new organization.

An amount of \$20.00 per Post Charter Member, not to exceed a total of \$500.00. Funds shall be distributed in two six month periods intervals. For new post

(4) Be informed as to the membership strength of the department and all posts within the Department of New Jersey. The Department First vice Commander shall be responsible for seeing that this information is circulated to all posts and to all Department officers at the **DEC** meeting as well as the Department Convention.

(5) perform such other duties in connection with membership as the Department Commander shall direct:

(6) The Department First vice Commander shall not be a member of the same post as the Department Commander.

(b) Department Second Vice Commander. The Department Second vice Commander shall assume the following duties.

(1) Review and reevaluate the existing programs and convey recommendations to the Department Commander.

(2) Coordinate all programs between Department and post levels.

(3) Be indoctrinated on all programs instituted by the Department of New Jersey especially those involving contact with the general public.

(4) Perform such other duties in connection with AMVETS programs as the Department Commander shall direct.

(5) The Department Second vice Commander shall not be a member of the same post as the Department Commander or the Department First vice Commander.

(6) A written report shall be submitted at each **DEC** meeting as well as the

Section 4: Department Adjutant. The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee and the Department Commander. The Department Adjutant shall issue such directives as approve by the State Commander, stay in contact with posts and the Department Commander. The Department Adjutant shall serve as the secretary of the State Department and Foundation. The Department Adjutant shall be appointed by the Department Commander and approved by the **DEC** and serve at the pleasure of the Department Commander. The Department Adjutant may not hold any elected office within the Department of New Jersey AMVETS. The term of this appointment shall be for a period of two (2) years. All Paid staff and Officers shall report to the State Commander. In the absence of the State Commander, all paid staff and Officers shall report to the First Vice Commander All AMVETS Department of New Jersey records shall remain at department Headquarters, and shall not be removed unless directed by the State Commander

Section 5: Department Finance Officer. The Department Finance Officer shall be custodian of the funds of the State Department. All checks disbursing the funds of the Department organization shall be signed by two or more officers as designated by the Department Commander. The Department Finance Officer shall make reports on the condition of the department treasury when called for by the Department Commander or Department Executive Committee meeting. The Department shall provide a surety bond for said position and any other person having the authority to handle or disperse

Department funds. The Department Finance Officer shall perform such other duties as are usually incident to the office. This person shall be elected at the Department Convention.

(a) The Finance Officer and State Finance Committee shall prepare a Provisional State Department Budget (PSDB) for the following year. The PSDB shall be distributed to the State Officers and Post Commanders at least (30) days prior to the State Convention. PSDB shall review and vote upon approval by a quorum of the Finance Committee.

The PSDB shall be submitted to the State Convention Delegates attending the State Convention, and shall vote on the budget. If the PSDB is not ratified by a majority of the delegates in attendance at the State Convention, the previous State Budget shall remain into effect. Reasonable adjustment to the State Budget may be reviewed and voted by the finance committee.

The Department Commander shall be empowered to call for a detailed audit of all AMVETS Department of New Jersey and subordinate Organization accounts by a certified Public accountant for just cause.

Section 6: Department Trustees The trustees shall meet following the election and select a Chairman. The Finance Officer shall serve as Secretary. Any rules adopted by the trustees shall be approved by the **DEC**. The trustees shall be the custodians of all bonds, State Department agreements, contracts and such other property as the **DEC** may direct. No elected officer or paid staff shall exceed their budget allocation without approval by a quorum of the finance committee. The Trustees shall serve on the Finance Committee. The trustees shall audit the books of the Department prior to the Dec meeting and present a report. All bills submitted to the Department, excepting membership and budgeted items shall be accompanied by a voucher. The Trustees shall approve or disapprove the voucher by majority vote. All approved vouchers shall be sent to the **DEC** prior to payment. At each Department convention the members shall elect two (2) trustees to a three (3) year term. The previous three (3) year Trustees shall automatically become two year Trustees and the previous two (2) year trustees shall become one (1) year Trustees. The Trustees shall audit the books of the Department prior to the SEC meeting. . The Finance chairman shall contact the Department Commander to set dates for all meetings, with the approval of the State Commander

Section 6: Department Judge Advocate. The Department Judge Advocate shall advise the department officers and the Department Executive Committee on all legal matters, including the construction and interpretation of the National and Department Constitution and Bylaws, and shall perform such other duties as are usually incident to the office. The Department Judge Advocate shall review all contracts prior to execution by the organization and serve as an ex-officio member without right to vote on all committees. The Department Judge Advocate shall be a licensed attorney or a Past Department Commander, First vice Commander or Second vice Commander. This position shall be elected at the Department Convention. The Judge Advocate shall serve on all subsidiary Corporations of the Department of New Jersey AMVETS.

Section 7: Department Chaplain. The Department Chaplain shall perform such religious and nonsectarian services as may be necessary, adhering to the appropriate ceremonial rituals, and discharge of other duties incident to the office. This position is appointed by the Department Commander **and approved by the DEC**.

Section 8: Department Provost Marshal. The Department Provost Marshal shall maintain order at the Department Convention, *DEC* meetings and such other ceremonies/functions as directed by the Department Commander. ***This position shall be elected at the Department Convention.***

Section 9: Department Inspector General. The Department Inspector General shall be the investigating officer of the department. By direction of the Department Commander or the Department Executive Committee, the Department Inspector General shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud or dishonesty within the department and charges of conduct unbecoming an AMVET, and shall be empowered to have access to all records, financial and otherwise, of all posts, post officers or members when necessary for the discharge of the Department Inspector General duties. In making such investigations, the Department Inspector General shall report to the Department Commander who shall, in turn, review the findings with the Department Judge Advocate and, if warranted, report to the Department Executive Committee. The Department Inspector General shall be appointed by the Department Commander and ***approved by the DEC.***

Section 10: Executive Office Manager. The executive office manager shall be responsible for the operations of the headquarters office. The executive office manager shall report to the Department Commander.

ARTICLE IV: CHARTERS

Section 1

(a) The Department Executive Committee may suspend, cancel or revoke a post charter in accordance with the UNIFORM CODE OF PROCEDURE FOR THE REVOCATION, CANCELLATION OR SUSPENSION OF POST CHARTERS (NATIONAL BYLAWS, *Appendix A*).

(b) A post charter that has been thus suspended may be reinstated by action of the Department Executive Committee if that post purged itself of the offense within 60 days of its suspension. If the delinquency is not cleared to the satisfaction of the department executive committee within 60 days, appropriate action shall be taken by the committee to affect revocation or cancellation of the charter.

Section 2. Any post failing to meet the obligations imposed on it by the Constitution and Bylaws, or fail to comply with Internal revenue Service laws, or ceasing to function for six months as a post of AMVETS or voluntarily ceasing to function as a post, or merging with one or more other posts, or refusing or failing to pay the department and national

per capita dues within 60 days after collection by the posts, shall, on order of the Department Executive Committee, surrender its charter.

Section 3

(a) On revocation or cancellation [or suspension] of the charter of a post, said post shall immediately cease operation and, on revocation or cancellation, turn over its charter and assets to the Department Commander or Department Executive Committee. The Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said post. So much of the said assets as are required for the purpose shall be applied to any indebtedness of said post, provided, however, that nothing contained herein shall be construed as requiring the Department of New Jersey to take over or to assume any financial responsibility of such post. Assets are to be held in trust for a period of 12 months and in the event the post charter is not reissued within the 12-month period, said property, money and effects shall become the absolute property of the Department of New Jersey.

(b) When the charter of a post is canceled or revoked for any reason, said charter shall be returned to the department within 30 days.

Section 4. On appeal of disciplinary actions, all pertinent documents, including transcripts and other supporting documentation of said hearings, shall be directed to National Headquarters for review by the National Judge Advocate.

ARTICLE V: DISCIPLINE OF POSTS AND POST MEMBERS

Section 1. Each post of AMVETS shall be the judge of its own membership, subject to the provisions of the constitution and bylaws of the national and department organizations.

(a) When the conduct of any member of AMVETS is such that it in any way will reflect discredit on, or invite criticism of, the organization, or [any member] who belongs to or joins any group, organization or party that is not compatible with the aims and principles of AMVETS, the Department Commander shall immediately bring the matter to the attention of the post of which the individual is a member. If the post fails to act and protect the name of AMVETS, the Department Executive Committee may suspend the charter of the post involved, pending a hearing and final action by the Department Executive Committee.

Section 2

(a) Members may be suspended or expelled by a post or the *Department* executive committee on a proper showing of cause. Members shall be adjudicated by AMVETS Members only. Subordinate Organization members that are not AMVETS Members shall not be empowered to adjudicate AMVETS Members of any posts

Written charges, which shall be furnished the member involved at least 30 days prior to the date set for the hearing, shall be based on disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of AMVETS.

(b) The Department Executive Committee or post shall follow the UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER (NATIONAL BYLAWS, *Appendix B*). The provisions for appeal of suspension or expulsion within that procedure (NATIONAL BYLAWS, *Appendix A*) shall also be followed in case of appeal of post or department action.

Section 3. Any member who has been suspended or expelled in accordance with Section 2 hereof has the right of appeal. In the event the suspension or expulsion is imposed by the post, the appeal shall be to the Department Executive Committee. In the event the suspension or expulsion is by the Department Executive Committee, the appeal shall be to the National Executive Committee. In the event the suspension or expulsion is by the National Executive Committee, the appeal shall be to the National Convention. The decision of the appellate body shall be final and conclusive.

ARTICLE VI: MEMBERSHIP

Membership in AMVETS constitutes membership in the Department of New Jersey AMVETS through post affiliation or membership-at-large. All AMVETS shall, prior to their acceptance as members, pledge allegiance to the United States of America and its Constitution and certify that they have read, or have had read to them, The Principles of AMVETS, and that they accept and subscribe to same, and that they shall not advocate or belong to any group or organization advocating the overthrow of the United States government by force.

ARTICLE VII: MONIES AND COLLECTIONS

Section 1. All department and post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding and surety company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVETS funds handled by such individual in a single year. The minimum of the bond shall be 110% of the maximum funds handled at any one time during the previous fiscal year.

Section 2

(a) No contracts involving expenditures in excess of \$2,000 of Department of New Jersey AMVETS funds shall be negotiated without inviting a reasonable number of competitive written bids and where the required products are of equal quality, the contract shall be awarded to the most qualified bidder.

(b) All contracts to be executed by the Department of New Jersey AMVETS shall be approved by the Department Executive Committee and signed by the Department Commander and attested to by The Department Adjutant (Executive Director) after said contract has been reviewed by the Department Judge Advocate.

Section 3

(a) No public fund-raising project or program of any kind or character shall be undertaken by or on behalf of any post or combination of posts or subordinate thereof unless the contract, agreement or other arrangement under which such a project or program is to operate has first been submitted for the prior approval of the Department Judge Advocate and then to a standing committee of the national organization composed of the President of the National Service Foundation, the National Judge Advocate and the National Commander. A public fund-raising project is defined as any project or program involving a solicitation or request to nonmembers of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, or advertising matter of any kind or character. In the event of an adverse decision by the department judge advocate, an appeal may be made at the next state executive committee meeting. Its action shall be final. Any fund-raising project or program conducted by a post or any combination of posts or subordinates thereof in which there is no other person, firm or corporation involved, and in which such fund-raising project or program is conducted solely by the post, shall not be deemed to be within the purview of this section, provided that the anticipated gross receipts from such fund-raising project or program do not exceed the sum of \$10,000.00; in the event it is anticipated that the gross receipts will exceed \$10,000.00 in any fiscal year, then said project or program shall be submitted as described above. Failure of a post or combination of posts or subordinates thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.

(b) Wherever a post clubroom is maintained and operated for the convenience and pleasure of its members and the name of AMVETS or its insignia is displayed or used, a board of trustees shall be elected by and from among the members of the post to supervise its activities, operation and finances.

(c) Any post operating a clubroom as mentioned in Section 3(b) hereof shall be required to carry workers' compensation insurance (in accordance with the laws of the state of New Jersey and public liability insurance, including product liability and personal injury coverage, with a minimum single limit of \$300,000. Posts that maintain a building primarily for meeting purposes shall be required to carry public liability insurance, including product liability and personal injury coverage with a minimum single limit coverage of \$100,000 or the minimum local amount prescribed by state law. The Department of New Jersey AMVETS and the national department shall be included as additional insured in all policies and a certificate of said insurance shall be furnished to the State Department and to National Headquarters.

(d) Upon renewal of insurance policies which either incorporate liquor liability coverage within general liability coverage or have stand alone liquor liability coverage, a copy of the new policy will be forwarded to Department of New Jersey AMVETS within 30 days of the renewal date. If a renewal confirmation is not received within 45 days of the renewal date, the Post becomes suspended until such time as the confirmation is received.

(e) Any post operating a clubroom as stated in Section 3(b) hereof shall be mandated to incorporate under a business not-for-profit corporation law, in accordance with existing New Jersey state statutes. All post clubrooms desiring to be included in the AMVETS group tax-exempt status under Internal Revenue Service Code as a 501(c) (19) organization shall provide, on incorporation, a point of contact, employer identification

number, mailing address and letter of authorization to the Department of New Jersey AMVETS and AMVETS National Headquarters.

(f) Any post failing to comply with these provisions shall be deemed to have violated the Department of New Jersey AMVETS Bylaws and the charter of said post shall, in accordance with adopted procedure, be subjected to suspension or revocation.

Section 4. All post and department accounts shall be kept in accordance with generally accepted accounting procedures.

Section 5. The minimum annual membership dues shall be \$18.00 payable to the post, of which sum \$13.00 shall be forwarded to National Headquarters and \$5.00 to the Department of New Jersey. Dues above the minimum set forth here shall be fixed by the post. Members-at-large will remit the minimum dues to department headquarters, from which sum the national department will be paid the minimum national dues.

Section 6. Life membership dues shall be not less than \$250, nonrefundable and payable to the post, of which 50 percent shall be forwarded to National Headquarters and 25 percent to the Department of New Jersey. Dues above the minimum set forth herein shall be fixed by the post.

Section 7. Annual members who paid their annual dues between September 1 and August 31 may convert to life membership and receive credit for their prepaid annual dues at any time during that period.

ARTICLE VIII: RESTRICTED USE OF ORGANIZATION

The Department of New Jersey AMVETS, or any component part thereof, shall not be used to promote the interest of any individual who is a candidate for public office or to promote otherwise any individual, political party, or faction. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member, or post.

ARTICLE IX: MEETINGS

All meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to ROBERT'S RULES OF ORDER.

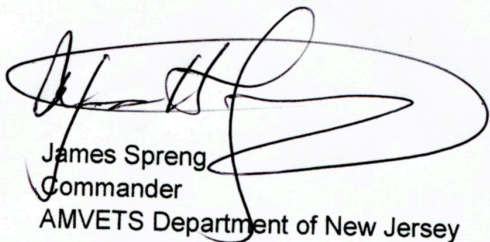
ARTICLE X: ACCOUNTING FOR MONIES

All monies received by this department shall be strictly and accurately accounted for and a report shall be made available to all members, at each meeting of the **DEC**, showing the sources of all such income and expenditures thereof.


ARTICLE XI: AMENDMENTS

Section 1. These bylaws may be amended by a majority vote of the delegates present at any Department of New Jersey AMVETS Convention. Proposed amendments for action of the Department Convention must be submitted by a post, the Department Executive Committee or a Standing Department Committee to the Department Adjutant (Executive Director), by mail, postmarked at least 30 days prior to the opening date of the Department Convention.

Section 2. The Constitution and bylaws Committee shall furnish to each Post any proposed changes to the Constitution and by-laws 60 days prior to the Department Convention. The Post Commander shall be responsible to notify the members of the proposed changes. Any objections to the changes shall be submitted as stated in Section 1. Any changes to the existing Constitution and by-laws may be submitted by any Post or member as shown in Section 1. .



James Spreng
Commander
AMVETS Department of New Jersey



William H. Duquesnois
Judge Advocate
AMVETS Department of New Jersey

The amended by-laws were adopted at the Department Convention on May 18, 2017 as attested by the above signatures.