



CONSTITUTION

AND

BY-LAWS

OF

AMVETS

Albert F. Klestinec, Jr., Robert V. McHale

MEMORIAL POST 88

OF

MASSAPEQUA, NEW YORK 11758

Amended and Revised, September 2009

CONSTITUTION OF AMVETS
Albert F. Klestinec, Jr., Robert V. McHale
MEMORIAL POST 88

PREAMBLE

We, the American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II, fully realizing our responsibility to our community, to our state and to our nation, associate ourselves for the following purposes: to uphold and defend the Constitution of the United States; to safeguard the principles of freedom, liberty and justice for all; to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these veterans; and to dedicate ourselves to the cause of mutual assistance, this by the grace of God.

ARTICLE I. NAME

The name of this organization shall be AMVETS (American Veterans of World War II, Korea and Vietnam), Albert F. Klestinec, Jr., Robert V. McHale Memorial Post #88, Massapequa, New York 11758

ARTICLE II. AIMS

The aims and purposes of this organization are as follows:

Section 1:

To serve our Country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.

Section 2:

To encourage, in keeping with policies of our Government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.

Section 3:

To inspire in our membership a sense of responsibility and to develop leadership for the preservation of our American Democracy.

Section 4:

To help unify divergent groups in the overall interest of American Democracy.

Section 5.

To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.

Section 6.

To cooperate with all duly recognized existing Veteran organizations in the furtherance of the aims of Veterans.

Section 7:

To insure the orderly return of the Veteran to civilian life by protecting his rights as an individual while he is still in uniform.

Section 8:

To expedite and assist in the rehabilitation of the Veteran by maintenance of employment services, sponsoring educational opportunities, providing counsel on insurance, housing, recreation, personal problems, hospitalization and Veterans' benefits.

Section 9:

To act as a liaison agent between the Veteran and the Government.

Section 10:

To provide an organization to encourage fellowship among all Veterans.

Section 11:

To keep the public forever reminded that the Veterans of World War II, Korea and Vietnam and those serving in the Armed Forces of the United States thereafter, fought and served to preserve peace, liberty and democracy for their Nation.

ARTICLE III. MEMBERSHIP

Section 1:

Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940, is eligible for regular membership in AMVETS, providing such service, when terminated by discharge or release from active duty be by honorable discharge, honorable separation or general discharge under honorable conditions. Any American citizen as an American citizen who served in the Armed Forces of an allied nation of the United States of America, at any time after September 15, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS, provided such service when terminated, by discharge or release from active duty be honorable discharge or honorable separation. No person who is a member of, or who advocates the principles of any organization believing in, or working for, the overthrow of the United States government by force and no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States shall be privileged to become, or continue to be, a member of this organization.

ARTICLE III. MEMBERSHIP (continued)

All United States Reservists and National Guardsmen who are now serving or have been honorable discharged since September 15, 1940, are eligible for regular AMVETS membership, provided such service when terminated by discharge or release from active duty be by honorable discharge or honorable separation. Honorary memberships shall not be granted. The rules of eligibility for membership shall be the same as those prescribed in the National and Department Constitution. No member shall be a member of more than one (1) Post at the same time.

Section 2:

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, AMVETS declarations of principles 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 Government of the United States by force.

Section 3:

Applicants applying for membership shall make application on a form similar to that prescribed by National Headquarters and shall submit same to the Adjutant for processing. The Executive Committee shall be responsible for screening all applicants.

Section 4:

In addition to the provisions of Section 1(b) of Article XII of the AMVETS National Constitution and Section 2 of Article V of the AMVETS National By-Laws, members may be suspended or expelled for any one or more of the following additional reasons: Any failure to comply with any obligation imposed upon members under the National Constitution and By-Laws. Any violation of law which reflects unfavorably upon the name AMVETS. Any conduct unbecoming an AMVET. Ineligibility for membership at time of acceptance into membership. Procurement of membership upon fraud or deception.

Section 5:

Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, i.e., from Post Executive Committee to National Executive Committee. Notice of appeal must be filed with the appellate body not later than fifteen (15) days after imposition of the penalty. Said notice must be in writing.

Section 6:

Membership shall be on a calendar year basis and shall run from January 1 through December 31. A member whose dues have not been paid thirty (30) days after expiration of a year's membership shall be suspended and shall, if not paid within sixty (60) days of expiration date, have his membership and all his rights and privileges forfeited.

ARTICLE IV. OFFICERS

Section 1:

Post Officers shall consist of a Commander, not more than three (3) Vice Commanders, Adjutant, Finance Officer, Provost Marshal, Judge Advocate, Public Relations Officer, Chaplain, Historian and two (2) Service Officers.

ARTICLE IV. OFFICERS (continued)

Section 2:

Nominations of Officers shall be held annually at a date fixed by the By-Laws and shall be made from the floor at a general meeting.

Section 3:

No members shall be able to run for elected office unless he/she has attended two-thirds (2/3) of the meeting during the twelve (12) months immediately proceeding the day of nomination, unless excused by the Commander.

Section 4:

All elected officers shall be required to attend (2/3) of all Post meetings; including regular and special membership meetings. Executive Committee meetings and such other meetings as may be required in the performance of their duties while in office, unless excused by the commander.

Section 5:

The elected officers of this Post and all past Commanders will constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Commander will be the Chairman of the Executive Committee, but will only vote in case of a tie. All other elected officers and the immediate Past Commander of the Post will have one vote, the remaining Past Commanders will sit on the Executive Committee but will not have the right to vote.

ARTICLE V. EXECUTIVE COMMITTEE

Section 1:

The elected officers of this Post and all Past Commanders, will constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Commander will be the Chairman of the Executive Committee, but will only vote in case of a tie. All other elected officers and the immediate Past Commander of the Post will have one vote.

Section 2:

No elected officer shall miss more than three (3) consecutive meetings and not more than seven (7) meetings in one (1) year of his term without proper cause, if he/she so does, he/she shall be removed from office.

ARTICLE VI. AMENDMENTS

Section 1:

This Constitution may be amended upon recommendation of the Executive Committee or by an amendment passed at a General Meeting of the Membership in the following manner only: The proposed amendments shall be submitted in writing to the Executive Committee for its recommendations and study and shall then be presented to the next general meeting not less than thirty (30) days, nor more than sixty (60) days thereafter for voting. Copies of proposed amendments to the Constitution shall be submitted, by mail, to all members of the Post at least ten (10) days prior to the date of vote. A two-thirds (2/3) vote shall be required of those present to amend this Constitution or its By-Laws. Copies of all amendments shall be forwarded to National and Department Headquarters by the Adjutant within thirty (30) days after their adoption.

BY-LAWS
Of
AMVETS

ALBERT F. KLESTINEC, JR., ROBERT V. MCHALE

MEMORIAL POST 88

ARTICLE I. QUORUM

Section 1:

At all regularly scheduled meetings or special meetings, eight (8) percent of the paid up membership present, but no less than fifteen (15) members, shall constitute a quorum, providing at least two (2) officers are present to preside.

ARTICLE II. COMMITTEES

Section 1:

The following standing committees shall be appointed by the Commander, with approval of the Executive Committee: Membership, Finance, Rehabilitation, Program, Legislative and Americanism.

Section 2:

Additional temporary committees may be appointed by the Commander with the approval of the Executive Committee.

ARTICLE III. MEETINGS

Section 1:

This Post shall meet on the second (2) Friday of every month at 8:30 p.m., to be held at a place designated at the previous meeting, unless a special meeting shall have been called.

Section 2:

There shall be three (3) types of meetings: The General monthly meeting, Special meetings and the Annual meeting. Written notices shall be mailed to all members at least one (1) week in advance, to notify them of meetings. An agenda of the business to be considered at the Annual meeting, and the changes to these By-Laws and the Constitution, shall be mailed to all members prior to said meeting.

Section 3:

The order of business shall be prescribed by the Executive Committee and may be changed as the Committee directs; but, at the General meetings in the two (2) months preceding the Annual meeting, nominations for officers and trustees shall be entertained and an announcement of business to be considered at the Annual meeting will be made. *Members nominated, must submit, in writing, their acceptance or accept in person at the nominating meeting. Acceptance must be made at least ten (10) days after being nominated. No individual may accept more than one (1) nomination. Nominations shall be held in ascending order of position starting with Trustee, at each of the two (2) nominating meetings and shall be closed permanently at the end of the second (2nd) nominating meeting.

ARTICLE III. MEETINGS (continued)

Section 4:

The Annual meeting shall be held on the second (2nd) Friday of May of every year.

Section 5:

At each monthly meeting, all members present shall be entitled to one (1) vote relating to Post matters with the exception of the election of Post Officers as indicated in Article III. Section 6, Meetings.

Section 6:

At the Annual meeting, held on the second (2nd) Friday of May of every year, only those members who have been dues paying members of Post 88 for the preceding six (6) months, and who have attended a minimum of three monthly meetings, shall be eligible to cast a vote for the election of Post officers.

ARTICLE IV. ELECTION AND APPOINTMENT OF OFFICERS

Section 1:

A Commander, first, second and third Vice Commanders, Adjutant, Finance Officer, Provost Marshal and Judge Advocate shall be elected annually by members of the Post. A Chaplain, Historian, two (2) Service Officers and Public Relations Officer shall be appointed annually by the newly elected Commander with the approval of the Executive Committee.

Section 2:

The election of Officers shall be held at the Annual meeting of this Post. Sufficient written ballots will be prepared by the Adjutant and distributed, collected and counted by the Provost Marshal, who shall thereafter make the announcement of the count. National and Department Headquarters shall be notified of the election of new officers by the Post Adjutant within two (2) weeks after the said elections have been completed.

Section 3:

The newly elected and appointed officers shall be sworn in and shall take office at the next Regular meeting of the Post, but in no event, sooner than two (2) weeks after such election, nor later than October 1st.

Section 4:

In the event the office of the Commander is vacated, the 1st. Vice Commander shall succeed to the office of commander for the balance of the unexpired term.

Section 5:

Should any other office be vacated, the Commander is empowered to appoint a successor for the completion of the term, subject to the approval of the Executive Committee.

Section 6:

The election of officers shall start promptly at 9:00 p.m.

ARTICLE V. DELEGATES

Section 1:

At least sixty (60) days prior to the Department convention, delegates and alternates shall be chosen to attend that convention by an election at a General meeting after proper nominations. The number of such delegates to be in accordance with the Departments regulations and rules. The Post Commander shall constitute one (1) of such delegates. The delegates may be elected with instructions governing their representation.

Section 2:

Delegates to the State convention must have attended two thirds (2/3) of the meetings during the twelve (12) months immediately preceding the day of nominations.

ARTICLE VI. FINANCE

Section 1:

The annual dues of the Post shall be a minimum of twenty five (\$25) dollars, the balance remaining after reimbursing the amount paid to the department for each membership card shall go into the general funds of the Post. Members transferring to this Post are to pay the difference between their yearly membership dues and the yearly membership dues of this Post. Active military shall not be charged dues.

Section 2:

Life membership may be purchased by members of this Post for the fee of one hundred and fifty (\$150) dollars.

Section 3:

All fund raising activities must be approved in advance by the Post Executive Committee and the Department Judge Advocate. A copy of the proposed fund raising program must be transmitted to National headquarters at least fifteen (15) days before the program becomes effective.

Section 4:

Regulations as to delinquent dues may be made by the Executive Committee and enforced by the Finance Officer.

Section 5:

An annual budget shall be prepared by the Finance Officer and submitted to the Executive Committee for approval and adequate books and records maintained. The activities and records of the Finance Officer shall be subject to inspection and regulation by the Executive Committee at all times.

ARTICLE VI. FINANCE (continued)

Section 6:

The Finance Officer shall render a report of receipts and disbursements at each meeting of this Post. He shall be responsible for filing IRS Form 990 with the District Director of Internal Revenue and forwarding a copy of same to National and Department Headquarters on or before the fifteenth (15th) day of the fifth (5th) month following the close of the annual accounting period of this Post shall be December 31st.

Section 7:

All officers of this Post handling funds shall be properly bonded through the National Headquarters blanket bond or with a good and solvent bonding and surety company, acceptable to the United States Treasury, as a surety to cover the average amount of AMVETS funds handled by such individuals in a single year.

Section 8:

If Post rooms are maintained and operated for the convenience and pleasure of the members of this Post in the name of AMVETS or its insignia are displayed and used, a board of trustees shall be elected from among the members of this Post to supervise its activities, operations and finances

ARCHIVAL VII. RESOLUTIONS

Section 1:

All resolutions adopted by this Post shall be forwarded to Department Headquarters.

Section 2:

It shall take majority vote of members present to pass any resolution other than amendments to the Constitution and By-Laws.

ARTICLE VIII. RESTRICTED USE OF ORGANIZATION

Section 1:

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, organization, political party, faction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

ARTICLE IX. MEETINGS

Section 1:

All business meetings of this organization shall be conducted under the "Roberts Rules of Order, Newly Revised".

ARTICLE X. AMENDMENTS

Section 1:

Amendments to these By-laws may be made by following the same procedure as prescribed for Amendments to the constitution, as defined in Article VI, Section 1 of the Constitution.

ARTICLE XI. DUTIES OF POST OFFICERS

Section 1:

COMMANDER – The Commander, as the Senior Executive Officer of the Post shall preside at all meetings of the Post and Executive Committee, but he may temporarily delegate a Vice Commander to substitute for him when needed. He shall direct and supervise the activities of the other elected and appointed officers and committee chairmen. Together with the Adjutant and Finance Officer, he shall be responsible for all the monies received by the Post. The Commander shall make certain that the Post meets regularly on Other appointed dates unless otherwise dictated by the Post membership at a General meeting. He is also responsible for informing the membership of pertinent information that is sent him pertaining to the membership by either the State or National Departments.

The Commander, or a member appointed by the Commander, shall represent our AMVET Post at all civic, memorial and community functions where it is customary that veterans' organizations be represented. The Commander shall be the official spokesman on all matters of public interest concerning Post activities. The position of Commander is filled in regular elections as prescribed in the Post Constitution.

Section 2:

VICE COMMANDERS - The Post may determine the number of Vice Commanders they may wish to elect. It is customary to elect at least three (3). Their duties shall be prescribed by the Post Constitution and they may be appointed by the Commander to conduct drives or other functions. They may be assigned duties by the Post Executive Committee. The 1st Vice Commander will be in charge of membership for his term of office. The 2nd. Vice Commander shall be in charge of the Post Color Guard. In the event of the Commander being absent, a Vice Commander shall take over in order of rank to preside at meeting or represent the Commander otherwise.

Section 3:

ADJUTANT –

The Adjutant is the secretarial office of the Post, charged with maintaining all records in conjunction with the Finance Officer and shall handle correspondence and other routine business of the Post; establish and maintain an up-to-date file of the names and addresses of the membership and their status in the Post; maintain current files on all present and past Post officers. Notify National and State Departments promptly of any changes in the status of any member including transfers, changes of address, disciplinary actions and deaths. Also notify National and State Departments of any changes in officers immediately after the annual election, special elections resignations or removal from office. Keep the membership informed of all Post functions and activities by Post letter or Post publication and make sure all members are notified in advance of the time, place and date of all Post meetings. Particular care should be taken of officers, delegates and committee members. It shall be the duty of the Adjutant to inform members of their respective nominations to any elected office, by registered letter, no later than forty-eight (48) hours after said nomination. Be present at all meetings or have an assistant in attendance to keep a record of business transactions and actions taken on any local, State and National issues by Post resolutions. He should be prepared to report at each meeting on the minutes of previous Post meetings and Executive meetings. The Adjutant should further be prepared to submit minutes to the State Department if so requested. Present all communications and correspondence at Regular meetings of the Post and the Executive Committee.

ARTICLE XI. DUTIES OF POST OFFICERS (continued)

Keep a complete record on each item of Post property. This record should include the description of the item, estimated value and the location and any other pertinent information deemed necessary. (The responsibility for the upkeep and safety of such property, as the Post may own, should be delegated to those officers and/or committees involved in the use of such property). This however, should not be interpreted as being in conflict with satisfactory procedures already established by the Post for custody of property.

Section 4:

FINANCE OFFICER - The Finance Officer is charged with collecting, banking and accounting for all funds of the Post. He and one (1) other officer of three (3) officers shall sign and countersign all Post checks. Also Post funds are to be kept in a bank account. He shall prepare and report a complete financial transcript for an Annual meeting. Finance reports may also be called for at Regular meetings or by the Post Executive Committee.

The Finance Officer may be assisted and guided in the performance of his duties by a Finance Committee of three (3) or four (4) members appointed by the Commander, with the approval of the Executive Committee. The main duty of such a committee is to assist the financial body.

He shall also report to the Post on bills received and paid. Major expenditures outside of routine bills should be reported to the Executive Committee or at a Post meeting. Coordination of duties with the Adjutant and/or Membership Director in regard to membership, receipt of money and preparing dues remittals. All expenditures should be by check made out by the Finance Officer and countersigned by an authorized officer.

Section 5:

JUDGE ADVOCATE – The Judge Advocate is the legal advisor to the Commander and the Post Executive Committee. He shall serve as Parliamentarian at all Post and Executive Committee meetings.

Section 6:

PROVOST MARSHAL – The Provost Marshal is responsible for the keeping of order at Post meetings, for the care of Post colors and for carrying out such other duties that may be assigned him.

Section 7:

PUBLIC RELATIONS – The Public Relations Officer is the liaison officer between his Post and his community and between his Post and the State and National organizations regarding newsworthy activities of the Post.

Section 8:

HISTORIAN – The Historian shall compile records of Post activities and submit a full historical report at the end of his term. He shall work in conjunction with the Public Relations Officer.

Section 9:

SERVICE OFFICERS - The Service Officers are in charge of securing aid for veterans and their dependents, whether or not the veterans are AMVETS, through the Veterans Administration and other government agencies. His activities should be coordinated with those of State and National Service Officers.

ARTICLE XI. DUTIES OF POST OFFICERS (continued)

Section 10:

CHAPLAIN – The Chaplain is charged with the spiritual welfare of the members. He has to plan funeral arrangements and all services to sick members and their families

BY-LAWS OF THE BOARD OF TRUSTEES OF AMVETS POST 88

ARTICLE I. TRUSTEES

Section 1:

The Board of Trustees shall consist of three (3) elected members.

Section 2:

The term of office shall be: One (1), three (3) year person, who shall be the Secretary of the Board. One (1) two (2) year person, who shall be the Vice Chairman of the Board. One (1), one (1) year person, who shall be the Chairman of the Board.

ARTICLE II. ELECTION OF TRUSTEES

Section 1:

The election of Trustees shall be voted on by the members of Post 88 who have met the qualifications of AMVETS Post 88, By-Laws, Article III, Meetings, Section 6.

Section 2:

The election shall be held at the Annual meeting of AMVETS Post 88, in accordance with By-Laws, Article III, Meetings, Section 3.

Section 3:

No member shall be able to run for the office of Trustee unless he/she has attended two-thirds (2/3) of the Posts regular meetings for the twelve (12) months immediately preceding the day of nomination.

ARTICLE III. MEETINGS

Section 1

No member of the Board of Trustees shall miss more than three (3) consecutive meetings. If he/she does, he will be removed from the Board of Trustees.

Section 2:

Any Trustees who cannot attend a meeting because of personal hardship, illness or any other valid reason, shall notify the Commander or one of his representatives, or another Board member for a valid excuse.

ARTICLE IV. VOTING

Section 1:

All Trustees shall have a vote at the Executive Committee meetings.

ARTICLE V. DUTIES

Section 1:

The Board of Trustees shall oversee all the properties and financial records of the Post.

Section 2:

The Board of Trustees shall review all contracts of more than one hundred (\$100) and submit their recommendations to the Executive Committee.

Section 3:

The Board of Trustees shall adhere to the Constitution and By-Laws of the Post.

Section 4:

The Board of Trustees shall review all contracts of more than one hundred (\$100) and submit their recommendations to the Executive Committee.

ARTICLE VI. ADDITIONAL DUTIES

Section 1:

The Board of Trustees shall meet with the Executive Committee on the Tuesday prior to the Posts regular monthly meeting.

Section 2:

The Board of Trustees shall also, at the discretion of the Commander or on their own discretion, have additional meetings in which to review the monthly bills, expenditures of the Post, or its committee.

General Information

AMVETS Post 88

692 Broadway

Massapequa, New York 11758

Phone: 516-798-9188

Website address: <http://post88amvetsny.us>

National Website address: www.AMVETS.org