

**HARDIN POST 113
DEPARTMENT OF KENTUCKY
BY-LAWS**

**ARTICLE I
NAME**

SECTION 1. The Post existing under these By-Laws is to be known as Hardin Post No. 113, The American Legion of Kentucky.

SECTION 2. The objectives of this Post are as set forth in the Constitution.

**ARTICLE II
MANAGEMENT**

SECTION 1. The Government and Management of Hardin Post 113 are entrusted to a committee of 9 Elected Officials and will be known as “The Executive Committee”. It consists of the following elected officials: Commander, 1st Vice-Commander, 2nd Vice Commander, Adjutant, Chaplain, Finance Officer, Service Officer, Publicity Officer, and Sergeant at Arms. Each member shall have one vote and must be present at the Executive Committee to vote. The Commander may only vote to break ties. In addition, to provide continuity and to promote better communications with the entire Legion Family, the following members are added with Voice but no Vote: All Past Commanders; President, Hardin Unit 113, American Legion Auxiliary; Commander Squadron 113 of the Sons of the American Legion; Post Manager; Honor Guard Commander; Director, Post 113 American Legion Riders, The Judge Advocate; and the Bingo Chairman.

SECTION 2. The nine (9) elected officers of the Executive Committee shall be elected annually on the first Thursday in May during the regular business session unless otherwise directed by the Executive Committee and the General Membership is notified at least 30 days in advance. Elected Officers take office at the next meeting following that of the election unless otherwise directed by the Executive Committee and the General Membership is notified at least 30 days in advance. All elections shall be by ballot of the members present. Each candidate receiving the highest number of votes shall be elected to the respective office for which he or she is a candidate.

SECTION 3. The Commander, with Executive Committee approval, will appoint a Nominating Committee no later than 15 January of each year to ensure a complete slate of candidates.

SECTION 4. Any vacancies existing in any office of the Post from any cause other than expiration of term shall be filled by appointment by the Post Commander, with approval of the Executive Committee, and any person so appointed shall hold office for the unexpired term of the officer whom he or she succeeds. A vacancy shall exist when a member or officer is absent from his post for a continuous period considered detrimental to the interest of the post with approval of a majority of the Executive Committee.

SECTION 5. The Post Manager and Assistant Post Manager(s) are hired by the Executive Committee and shall perform duties as outlined in the Employee Standards of Conduct. The Post Manager, with concurrence of the Commander, shall have the responsibility for the hiring and dismissal of employees of the Post, except employees of the Executive Committee, and ensure that all employees have read, understood, and signed the Employee Standards of Conduct. Discharged employees shall have the right to be reviewed by the Executive Committee upon their request. The Post Manager and Assistant Post Manager shall receive direct guidance only from the Post Commander in the conduct of their daily duties.

ARTICLE III POST EXECUTIVE COMMITTEE

SECTION 1. The Post Executive Committee shall meet on organizational and such other business as may come before it at the call of the Post Commander within 10 days after installation of the new officers. Thereafter, the Post Executive Committee shall meet at the call of the Post Commander, or at least once monthly and as often as said Post Commander may deem necessary. The Post Commander will call a meeting of members of the Executive Committee upon joint written request of three or more members of the Executive Committee. Six of the nine elected members of the Executive Committee shall constitute a quorum.

SECTION 2. The Post Executive Committee shall approve the hiring, suspension, and dismissal of the Post Manager and Assistant Post Manager(s). It will assist the Post Manager in the hiring and dismissal of employees as deemed necessary by the Post Manager or the Employee Standards of Conduct. The Executive Committee shall authorize and approve all expenditures of funds not of an operational nature; shall require background check for each person having custody of Post funds; and shall have charge of and be responsible for the management of the affairs of the Post. No member of the Executive Committee will be a full-time employee of the Post and any situation that results in an actual or perceived conflict of interest of any Executive Committee member will be brought to the Executive Committee's attention immediately. If the Executive Committee by majority vote determines there is a conflict of interest the affected member shall abstain from the issue.

ARTICLE IV DUTIES OF OFFICERS

SECTION 1. DUTIES OF THE POST COMMANDER. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business affairs of the Post. He/she will ensure, to the extent possible, that all disbursements of funds are proper, and he/she will make such reports as he/she deems necessary. The Post Commander is the liaison between the Executive Committee and the Post Manager and employees. Collateral duties may include those requested by the Executive Committee or a majority of the General Membership.

SECTION 2. DUTIES OF THE 1ST VICE COMMANDER. The 1st Vice Commander shall assume and discharge the duties of the Office of Commander in the absence or disability of same, or when called upon by the Commander. He/she will be Membership Chairperson and assist the Post Commander as directed.

SECTION 3. DUTIES OF THE 2ND VICE COMMANDER. The 2nd Vice Commander shall assume the duties of Commander in the absence or disability of both the Commander and the 1st Vice Commander. He/she will advise the Executive Committee on matters relating to the Post Facilities and serve as the Chairperson of the House Committee.

SECTION 4. DUTIES OF THE ADJUTANT. The Adjutant shall have charge of and file copies of all proceedings of all meetings, keeping such records as Department and National Organizations may require, maintain the Post Membership Data Base utilizing current automated procedures. He/she is the custodian of all official documents and correspondence generated in the support of Hardin Post 113. He/she will consolidate the mailing lists for the Post. He/she may provide guidance and assistance to the Auxiliary and SAL Adjutant for maintenance of their database and transmission of membership to Department.

SECTION 5. A. DUTIES OF THE FINANCE OFFICER. The Finance Officer shall be responsible for the Financial Affairs of the post. He/she shall review all transactions by the Post Manager, verify deposit of all funds of the Post, and shall make disbursement by check for all necessary expenditures and will submit all tax reports (Federal, State, and Local) as required by Law. The Finance Officer coordinates signature cards of authorized personnel that will have access to financial accounts with the banking institution. Only personnel identified on the signature cards shall be the only ones authorized to sign checks for the Post. The Finance Officer will be Chairperson of the Finance Committee. The Finance Officer should be knowledgeable of standard accounting procedures and automated systems. The Finance Officer shall report to the Executive Committee all expenditures and financial conditions of the Post at each meeting. He/she will report monthly to the membership the financial status of the Post. The Finance Officer is authorized an assistant to be hired by the Executive Committee and under direct supervision of the Finance Officer and compensated as directed by the Executive Committee.

SECTION 5 B. DUTIES OF THE FINANCE ASSISTANT. The Finance Assistant shall be responsible for assisting the Finance Officer in the above-described duties and to report any irregularities to the Executive Committee. He/she will be present at all Finance Committee meetings to answer questions that arise from the day-to-day financial operations of the Post. He/she shall also provide and submit to the Finance Officer all required monthly and quarterly reports required by Federal and local agencies. These include but are not limited to all reports to the Kentucky Gaming Commission for the Legion Bingo program.

SECTION 6. DUTIES OF THE POST CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine, but nonsectarian, service during dedications, funerals, public functions, etcetera., and adhere to such ceremonial rituals as are recommended by the Department and National Headquarters.

SECTION 7. DUTIES OF THE POST SERVICE OFFICER. The Post Service Officer will supervise and assist in all matters pertaining to veterans and their families through the Department of Kentucky Legion Service Office.

SECTION 8. DUTIES OF THE PUBLICITY OFFICER. The duties of the Publicity Officer are to promote public support of Legion programs and publicize local post programs and activities. The Publicity Officer is responsible for and serve as the editor of the Post Newsletter and will oversee all social media representing Hardin Post 113.

SECTION 9. DUTIES OF THE SERGEANT AT ARMS. The Sergeant at Arms shall preserve order at all meetings. He/she is responsible for setting up the general membership meeting room with flags and POW/MIA chair. He/she shall be present at all Legion Functions and Saturday Night Dances and will remain until all personnel have departed the Post and perform other duties as directed. The Sergeant at Arms will periodically check active membership status of people in the post.

SECTION 10. DUTIES OF THE APPOINTED ATHLETIC OFFICER. The Athletic Officer shall coordinate the Athletic and Recreation programs and advise the Executive Committee on these matters.

SECTION 11. DUTIES OF APPOINTED CHILD WELFARE OFFICER. The Child Welfare Officer is charged with aid and service to children.

SECTION 12. DUTIES OF THE APPOINTED PROPERTY OFFICER. The Property Officer is charged with the protection and control of Post property and will maintain a complete inventory of the same. The Physical Inventory will be complemented by a yearly updated video inventory.

SECTION 13. DUTIES OF THE APPOINTED HISTORIAN. The Historian shall be charged with recording the history of the Post and its members. He/she will be responsible for preparing an annual history book and performing other duties as assigned.

SECTION 14. DUTIES OF THE APPOINTED ASSISTANT SERGEANT AT ARMS. The Assistant Sergeant at Arms shall assist the Sergeant at Arms in his/her duties. He/she shall assume the duties of the Sergeant at Arms in his/her absence and perform other duties as directed.

SECTION 15. All newly elected officers can appoint an assistant with a voice but no vote to assist them during their tenure.

ARTICLE V DELEGATES

The Delegates and Alternates to the Department Convention shall be chosen in May prior to the Department Convention being convened. If there are more attending the Department Convention than allotted delegates and alternates, an election will be held at a regular meeting in sufficient time to comply with Department of Kentucky Constitution and By-Laws. All members of the Executive Committee shall be automatically allotted delegate status unless stipulated otherwise by the Executive Committee.

ARTICLE VI COMMITTEES

SECTION 1. Hardin Post 113 shall have both Standing and Appointed Committees. The Commander shall make appointments to be approved by the Executive Committee as outlined in the following Articles. The committees shall be appointed by the Post Executive Committee upon nomination by the Post Commander and shall serve at the pleasure of the appointing authority. The Post Commander shall designate the Chairperson of these appointed

committees and shall prescribe duties as may from time to time be necessary to improve efficient operations and coordination of activities. The Commander may appoint ad-hoc committees as needed with the approval of the Executive Board.

The Standing committees are:

- Constitution and By-Laws Committee
- Finance Committee
- Publicity and Public Relations
- Membership Committee
- Americanism
- House Committee
- Life Membership.
- Honor Guard

The Appointed Committees are Sons

- of the American Legion
- Bingo
- Children and Youth
- Nominating Committee

SECTION 2. Constitution and By-Laws Committee. The Constitution and By-Laws Committee shall consist of four members of Hardin Post 113 American Legion. The Post Commander shall be a member of the committee during his/her tenure of office, without a vote. Prior commanders shall have appointed the remaining three members. The Term of Service of a committee shall be three years, as presently established with the Commander appointing a replacement for the retiring member each year. The Post Commander shall designate the chairperson of the committee. The Post Commander will appoint qualified persons to fill any shortages on the committee with the Executive Committee approval. Members appointed as replacements are appointed to complete the term of the previous member.

SECTION 3. Post Finance Committee. The Post Finance Committee shall consist of five members of Hardin Post 113 American Legion. The elected Finance Officer shall be the Chairperson. The remaining four members shall be appointed and approved by the Executive Committee. The Term of Service of the committee shall be four years, as presently established with the Commander replacing the retiring member each year. The Post Commander will appoint qualified persons to fill any shortages on the committee with the Executive Committee approval. Members appointed as replacements are appointed to complete the term of the previous member.

SECTION 4. Publicity and Public Relations. The Publicity and Public Relations Committee shall consist of the Publicity Officer (elected) and members appointed by the Commander on a yearly basis upon recommendation of the Publicity Officer.

SECTION 5. Membership Committee. The Membership Committee shall consist of five members of Hardin Post 113. The 1st Vice Commander shall be the Chairperson with the remaining four members appointed for a one-year term by the Commander approved by the Executive Board.

SECTION 6. Americanism. The Americanism Committee shall consist of five members. The Post Adjutant shall be the Chairperson. Prior commanders shall have appointed the remaining four members. The Term of Service of a committee shall be four years, as presently established with the Commander appointing a replacement for the retiring member each year. The Americanism Committee shall perform duties as outlined in the Post Officers Guide of the American Legion.

SECTION 7. House Committee. The 2nd Vice-Commander shall be the Chairperson of the House Committee. The Commander shall appoint one additional Legionnaire, and one member from the Auxiliary, Sons of the American Legion, and the American Legion Riders. The Post Manager or his/her representative shall also be on the committee. This Committee is responsible to make recommendations to the Executive committee on matters of pertaining to Post facilities. They will advise on developing Post activities promoting patriotic observances of all kinds. They shall formulate plans for the operation of the Post Home and provide guidance in the administration of the Post Home. They will formulate general rules relative to the conduct of members while on the premises of the Post and will be responsible for revision and publishing of the House Rules.

SECTION 8. Life Membership. The Life Membership Committee shall consist of five members appointed by the Commander and approved by the Executive Committee. The term of service of the committee shall be five years, as presently established, with the Commander appointing a replacement for the retiring member each year. To be eligible to serve on the Committee a member must either be a life-member or an active member of the Post for a period of ten years. The committee will review the resumes of all members eligible for life membership and will provide the Executive Committee with their recommendation for the award NLT February 1st of each membership year. A member is eligible for consideration for Life membership if he/she has completed ten years of active, working service to this Post on various standing or appointed committees, documented volunteer hours, or has served not less than five (5) years on the Executive Committee as an Officer or a member.

SECTION 9. Honor Guard. The Post Honor Guard is charged with the memorial matters of the Post and elects its own Officers. Their performance and appearance will reflect credit upon Hardin Post 113 and its membership. The Honor Guard Commander will be responsible to the Post Executive Committee.

SECTION 10. Sons of the American Legion. The Commander shall appoint a Sons of the American Legion Advisor to function as liaison between the Sons and the American Legion with Executive Board approval.

SECTION 11. Bingo. The Bingo committee shall consist of three members yearly appointed by the Commander and approved by the Executive Committee. The Commander will designate a Legionnaire as the Chairperson. All Legion Family Members (Legion, SAL, and Auxiliary) are eligible to serve on this committee.

SECTION 12. Children and Youth. The Child Welfare Officer will be the Chairperson of the Children and Youth Committee and perform duties as outlined in the American Legion Officers Guide. The Commander will appoint additional members with approval by the Executive Board as appropriate. The committee is responsible for the timely processing of Temporary Financial Assistance (TFA) applications.

SECTION 13. Nominating Committee. The Post Commander shall appoint a four-member Nominating Committee NLT 15 January of the membership year. Their responsibilities are to canvas members who are interested in having their names placed in nomination for offices for the upcoming membership year and to prepare the ballot for elections for the designated election month general membership meeting.

SECTION 14. Each Committee Chairperson shall provide written minutes and actions taken at least quarterly to the Executive Committee or the General Membership, as necessary.

ARTICLE VII MEMBERSHIP

SECTION 1. All applications for membership must meet prerequisites prescribed by National Headquarters and shall be processed by the Post Adjutant and, if necessary, acted upon at the next executive board meeting following the making of such application, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of members present cast their votes against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months' time from the date of such rejection.

SECTION 2. Post members may be suspended or expelled from the American Legion only as provided for in the American Legion Department of Kentucky Constitution.

SECTION 3. The Post Executive Committee may prescribe requirements for guests to the Post Home.

SECTION 4. The Executive Committee of the Post has absolute authority to control the conduct of all persons on Post property. Upon demonstration of conduct unbecoming a Post Member or Guest, the Executive Committee, at its sole discretion, by majority vote of its members may exclude any person from participating in all functions, except Post Members from attending the General Membership meetings. The Post Commander, Manager, or Assistant Manager has the authority to temporarily suspend or exclude a member's participation until the next Executive Committee Meeting.

SECTION 5. No person who has been expelled by another Post shall be admitted to membership in the Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post; the member may then appeal to the Department Executive Committee for permission to apply for membership in this Post and shall be ineligible for membership until such permission is granted.

ARTICLE VIII SOLICITATION

SECTION 1. No solicitation shall be permitted in the Post Home except as approved by the Executive Committee and outlined in the current House Rules.

SECTION 2. Guests from other Posts may solicit, if it pertains directly to the American Legion, Auxiliary, or affiliated programs and organizations. The visiting member will coordinate with the Post management prior to soliciting in the Post Home.

ARTICLE IX RESOLUTIONS

All policy resolutions which are State or National in scope presented to the Post by a Member, or reported to the Post by a Committee, after its adoption by the Post, shall be forwarded in triplicate through the Fourth District Commander to the Department of Kentucky for its approval before any publicity is given or action taken other than mere passage by the Post. A copy will also be forwarded directly to the Department Adjutant.

ARTICLE X MEETNGS

SECTION 1. The regular meeting of the Post shall be held in the Post Home on the First Thursday of each month, at which may be transacted such business as may be properly brought for action. If, in the Post Commanders opinion, conditions preclude holding the meeting on the First Thursday, it will be held on the Second Thursday. Joint meetings of the American Legion Post 113, American Legion Auxiliary Unit 113, and Sons of the American Legion Unit 113 are scheduled as needed based on events or requests.

SECTION 2. A majority of the Post Executive Committee shall have the power to call a special meeting of the Post at any time, provided the membership is notified by the Adjutant, in writing, by either special mailing or the Post Newsletter. Notice will include the specific reason for the special meeting.

SECTION 3. Upon written request of forty-five (45) members who are not members of the Executive Committee, the Committee shall call a special meeting of the Post, provided the membership is notified by the Adjutant, in writing, by either special mailing or the Post Newsletter. Notice will include specific reasons for the special meeting.

SECTION 4. Twenty (20) members shall constitute a quorum for a Post meeting.

ARTICLE XI NOTICES

SECTION 1. Every member shall furnish the Adjutant with his or her correct address for mailing purposes.

SECTION 2. The Post Adjutant shall cause notice, in writing, of the Annual election, or any special meetings, to be given. The monthly newsletter shall constitute proper notification.

ARTICLE XII RULES OF ORDER

All proceedings of this Post shall be conducted under and pursuant to Roberts Rules of Order, except as herein otherwise provided.

ARTICLE XIII LIMITATIONS OF LIABILITY

SECTION 1. The Post shall not incur, nor cause to be incurred, any liability or obligation whatsoever which shall subject to liability any other Post, subdivision, group of men, members of the American Legion, or other individuals, corporations, or organizations.

SECTION 2. No member shall obligate this Post without prior approval of the Executive Committee.

SECTION 3. Any motion passed at a General Membership meeting, where expenditure is involved, shall be referred to the Executive Committee for review. Should such expenditure be rejected, it will be reported at the next General Membership Meeting with justification for the rejection.

ARTICLE XIV REAL ESTATE

All Real Estate Assets of Hardin Post 113 are the Property of Hardin Post 113, Incorporated. The purchase or sale of any Post 113 Real Estate must be recommended by the Executive Committee and presented to the General Membership at the earliest date. All members of Hardin Post 113 must be notified by newsletter or special mailing of any motion approving the purchase or sale of real estate. This notification will include the motion in its entirety and will state the date and time for the motion to be discussed and voted upon. This notification must be sent to the membership a minimum of 14 days prior to the vote. The approval of any motion for the purchase or sale of Real Estate must be approved by a majority vote present at the stated meeting specified in the notification to the membership.

ARTICLE XV AMENDMENTS

SECTION 1. These By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members present at said meeting, providing that the proposed amendment or amendments shall have been submitted in writing and read at the two preceding regular monthly meetings of the Post and that written notice shall have been given to all members of when the vote shall take place (via the Post Newsletter or special mailing) and the proposed changes made available to all members (either hard copy or via E-mail) at least 14 days prior to the date when such amendment is to be voted upon.

SECTION 2. These By-Laws shall be reviewed during each odd numbered year by the Constitution and By-Laws Committee. These documents will be maintained and dated to reflect maintenance and review compliance by the Post Adjutant.

By-Laws 2024

I CERTIFY THAT THE FOREGOING CONSTITUTION AND BY-LAWS WERE DULY READ
were passed by a two-thirds majority vote of the membership present at the regular business session
of this Post held February 8, 2024.

ATTEST:

Drew Chitty
ADJUTANT

Clarence Robinson
COMMANDER