

## STANDING RULES OF POST 217

**Background of Standing Rules.** Post may decide to further supplement and clarify the bylaws. Standing rules are rules or resolutions that are of a continuing (or standing) nature. These rules deal only with administrative matters and function under the umbrella of, and must be in compliance with, the organization's bylaws.

**Roberts Rules of Order, Newly Revised, 11<sup>th</sup> Edition.** The American Legion and the Department of Maryland utilize Roberts Rules of Order as the established parliamentary procedure.

### Roberts Rules of Order

#### Standing Rules, §2, p.18

**Standing rules are rules (1) which relate to the details of the administration of a society rather than to parliamentary procedures, and (2) which can be adopted or changed upon the same condition as any ordinary act of the society. A standing rule can be adopted by a majority vote without previous notice, provided it does not conflict with or amend any existing rule or act of the society.**

### STANDING RULE 1

#### USE OF STANDING RULE AUTHORITY

**Section 1.** While the major advantage to an organization in using Standing Rules is the flexibility to add, amend, or delete Rules without prior notice, and by a majority vote at the same meeting in which a motion on a Standing Rule is made, Post 217 may give advance notice of a motion on a Rule, and the Chair at the Membership Meeting will be receptive to a request to table a motion on a Standing Rule in order to give the Members additional time to consider and discuss such a motion.

### STANDING RULE 2

#### POST OFFICERS

**Section 1.** In accordance with the Post Constitution, Article IV, Section 1, this Post may appoint the following officers: Post Historian, Post Chaplain, Post Service Officer, Post Assistant Adjutant, and Post Assistant Finance Officer. Appointed Officers do not have a vote on the Post Executive Committee, but may have voice on matters, and can exercise their right to vote on matters at all General Membership Post meetings.

**Section 2.** Vacancies for any reason other than death or disability shall be filled in the same manner as prescribed in Article II of the Post Bylaws.

### STANDING RULE 3

#### POST EXECUTIVE COMMITTEE

**Section 1. Composition.** In accordance with the Post Constitution, Article V, Section 2, the Post Executive Committee shall consist of:

- Commander
- 1st Vice Commander
- Judge Advocate
- Adjutant
- Finance Officer
- Sergeant-at-Arms
- Two (2) members elected at-large.
- Optional:
  - 2<sup>nd</sup> Vice Commander
  - Chaplain

#### Section 2. Responsibilities and Authority of the Post 217 Executive Committee

The Post Executive Committee is the administrative authority, and manages Post 217 in accordance with the Constitution and By-Laws of The American Legion, of the Department of Maryland, and of Post 217, but they manage the Post on behalf of the Post 217 Membership. The Post Executive Committee has the responsibility, and commensurate authority, on matters such as, but not limited to, the Post's compliance with the rules and regulations of The American Legion and the Department of Maryland; compliance with external laws and regulations (e.g., environmental and safety laws and regulations, alcohol license regulations and gaming permits, etc.); supervising the financial management and ensuring the audit of the Post's affairs.

#### Section 3. Post 217 Executive Committee Elected Members (PEMs)

- (a). The number of at large PEMs shall be two (2).
- (b). **Eligibility.** Any Member, other than the officers who are members of the PEC ex officio, may serve as a Post 217 PEM.
- (c). **Election to the Post Executive Committee.** Elections to fill a PEM office shall be at the same time (i.e., at the same meeting), and in the same manner, as the election of Officers.
- (d). **Vacancy in a PEM Office.** A vacancy in an office of the PEM shall be treated as a vacancy in an elected office.

#### Section 4. Quorum.

A majority of the elected serving members (non-vacant positions) of the Executive Committee shall constitute a quorum.

### STANDING RULE 4

#### BUDGET AND PROCUREMENT

**Section 1. Procurement.** Procurement is the purchase of supplies or services, either with or without a formal written contract; it is not the hiring of employees.

#### Section 2. Budget.

- i. A budget shall be proposed by the Post Executive Committee at least 60 days before the start of the Post's Fiscal Year, which is January 1 through December 31. The budget shall be the basis of all expenditures within the Post and must be approved by the Post Membership in Regular Meeting before the beginning of the Fiscal Year.

- ii. The Finance Officer shall make disbursement, any payment for budgeted items or expenditures, and is hereby permitted to exceed the Post budgeted amount for any line item in the Post Budget by 10%. All such expenditures in excess of budget line, are considered approved by the Post, but must be reported to the next Post Executive Committee Meeting, and Post Membership meeting. Recommendations for amendments to the line items shall be considered at that time to allow for the continued operations of those categories of expenses.

**Section 3. Procurement Scenarios and Spending limits for non-budgeted items.** There are four scenarios of procurement.

**(a). Small Purchases.** These are purchases below \$2,500.00. The Post Executive Committee may approve these purchases as approved by Post membership. These purchases will be reported to the Membership at the next Regular Membership Meeting.

**(b). Purchases in Emergency Circumstances.** Purchases in excess of the budgeted emergency circumstance line item, up to an additional \$5,000.00, may be approved by the Post Executive Committee, without additional approval of the Post Membership, if the Post Executive Committee determines that exigent circumstances warrant that purchases commence, or contracts be entered without delay. Exigent circumstances include things such as, but not limited to, the emergency repair of electrical, plumbing, heating and cooling, and security systems. These purchases shall be reported to the Membership at the next Regular Membership Meeting.

**(c). Purchases Effecting Health, Safety, and Compliance.** Non-Budgeted purchases, up to an additional \$5,000.00, that are needed to ensure health, safety, or compliance with law or regulation, may be approved by the Post Executive Committee additional approval of the Post Membership. These purchases shall be reported to the Membership at the next Regular Membership Meeting.

**(d). Major Purchases.** These are non-budgeted purchases that do not qualify under (a), (b) or (c) above. Major purchases are subject to approval by a majority vote of the Membership at a Regular or Special Membership Meeting. While it may be advisable to give notice and have discussion at least one Membership Meeting before a vote on a major purchase, there is no requirement to do so, i.e., the major purchase can be introduced and voted on at the same Membership Meeting.

**Section 4. Non-budgeted Expenditures without Executive Committee Recommendation.**

Non-budgeted Expenses, exceeding \$1,000.00, proposed at Post Membership Meeting without Post Executive Committee recommendation, shall automatically be referred to the Post Executive Committee for consideration and recommendation. No such expense may be voted upon by the Post Membership meeting until the next Regular Membership Meeting following the initial motion. This rule may be suspended with a unanimous vote at any Post Membership meeting. See also, House & Grounds Committee & Activities Committee in Standing Rule 8.

**Section 5. Contracting with Members of Post 217 or Their Relations.** Contracts with, or compensation for services or supplies from, Members of Post 217 or their relations, are subject to the same restrictions and considerations on employment in Standing Rule 6. This does not preclude offering members or their relatives gifts or awards for volunteer labor beyond the call of duty and/or norms of service.

**Section 6. Criteria for Purchases.** Purchases, in any amount, can only be made if it is determined that the prices to be paid are fair and reasonable; that the market survey and competition considerations were appropriate for the type and value of the purchase; and that the purchase is free from real or apparent

conflicts of interests. Factors other than lowest price may be considered in purchasing a supply or service, and in selecting the contractor (i.e., a value/cost trade off).

**Section 7. Invoices.** Proper invoices should be obtained and submitted for all Purchases/Contracts involving expenditure of funds.

## STANDING RULE 5

### OTHER POST 217 EXPENDITURES

**Section 1. Expenditures for Routine Post 217 Operations.** Budgeted expenditures necessary for the operations of the Post, such as utilities for the Post headquarters, do not require additional approval by the Membership, and the Post Executive Committee shall ensure such payments are proper and are made as a part of its management of the Post. These payments shall be reflected in the course of financial reporting at Regular Membership Meetings.

**Section 2. Expenditures for Post 217 Initiatives.** Subject to the approval of the Post 217 Membership, like all posts of The American Legion, may sponsor on-going activities, such as but not limited to, sports teams and scouting organizations. The Post may budget such expenses. However, the Post may also support occasional activities, e.g., of a social, patriotic, or fund-raising nature. In the cases of non-budgeted expenditures, the approval of the Membership is required to engage in, or support, such activities, and the Members' approval is the authority to incur and pay the reasonable and necessary expenses associated therewith. These expenses will be reflected in the course of financial reporting at Regular Membership Meetings.

**Section 3. Post Donations.** The Post's charitable donations, not contained in the Post budget, are subject to the approval of the Membership.

## STANDING RULE 6

### POST 217 Employees

**Section 1. Employees of Post 217.** An employee of Post 217 is an employee within the meaning of the guidelines of the State of Maryland Department of Labor, Licensing, and Regulation. In short, a Post 217 employee is a person for whom the Post submits income tax reports – other than a Standard Form 1099.

**Section 2. Employment Authority.** The House & Grounds Committee Chairperson and the Club Manager, jointly, have hiring and discharge authority over employees. This includes setting the qualifications for, and the terms and conditions of, employment along with supervisory and disciplinary authority over Post 217

employees. In case of an unresolved dispute the Post Executive Committee may be consulted to execute a vote to resolve the dispute.

### Section 3. Employment Considerations

**(a). Employment of Post 217 Members or Relations.** Subject to the considerations and restrictions set forth in this Standing Rule, members of Post 217 and their relations may be a full or part-time employee of the Post.

**(b). Conflicts of Interest.** All employment decisions shall take into account the need to avoid real or apparent conflicts of interests, and to ensure fairness and consistency in the exercise of hiring and compensation authority.

**(c). Employment of Post Officers and PEMs.** Post officers and PEMS shall not be employees of the Post. Any officer who becomes an employee shall surrender his or her office.

**(d). Recusal from Employment Decisions.** If a person that cohabitates with, is a relation of, or significant other of a Post 217 Officer or PEM and is an employee of the Post, the Officer or PEM shall recuse himself or herself from all decisions affecting such person's employment.

#### **Section 4. Employee Position Description & Training**

**(a).** Each employee shall be given a job title and a description of their duties. The manager shall identify position needs and the House & Grounds Committee shall work with the manager in producing Job Descriptions for each position.

**(b).** Each employee shall be afforded required training as stipulated by the State of Maryland, including harassment & required safety training. Certified Online & video trainings are available to meet these needs.

**Section 5. Discharge of Post 217 Employees.** While Maryland is an "employment-at-will" state, the Post Executive Committee will ensure that employees are afforded pre or post discharge access to the Post Executive Committee concerning their proposed or effected discharge.

### **STANDING RULE 7**

#### **Standing Committees**

Standing committees are intended to assist the Executive Committee in managing the Post. The commander will appoint members and chairpersons to standing committees as needed.

#### **Section 1. Committee Members**

Committee should generally consist of 1 or more Post members, 1 or more SAL members and 1 or more Auxiliary members and be chaired by a post member, and designated and approved as outlined in Article IV, Section 2 of the Bylaws.

### **STANDING RULE 8**

#### **NOTICES**

**Section 1.** In addition to a US Postal Service address for first class mailings required by National and Department, every member shall furnish the Post Adjutant with a valid email address if available and provide the Post Adjutant with updates or changes of same. If provided, the email address will be utilized to inform members of important issues including required notices (e.g. notices for elections), thereby keeping costs down. Otherwise a member who does not provide an email address will be responsible for obtaining information by monitoring postings on the Post bulletin boards, reading the Post 217 meeting minutes, newsletters, or the post web page.

### **STANDING RULE 9**

#### **CLUB RULES**

**Section 1.** All persons entering our Legion Home shall obey the posted existing House Rules during business hours.

**DON'TS: ASSAULT, BATTERY, VANDALIZE, SEXUAL HARASSMENT, LOVE-MAKING.**

DESIRABLES: COMMRADESHIP, APPROPRIATE HUMOR, RESPECT FOR OTHERS,  
INTEGRITY