

## ARTICLE IV



# DEPARTMENT OF SOUTH CAROLINA POST BY-LAWS

POST No. \_\_\_\_\_

\_\_\_\_\_  
*Official Name of Your Post*

## ARTICLE I

### NAME AND LOCATION

- **SECTION 1.** By virtue of charter granted, this Post shall be known as: Post No. \_\_\_\_\_ Veterans of Foreign Wars of the United States-Department of South Carolina.
- **SECTION 2.** The location of this Post shall be in the City/Town \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_, State of South Carolina.

## ARTICLE II

### SUBORDINATION

- **SECTION 1.** The supreme power of this association is vested in the National Convention of the Veterans of Foreign Wars of the United States, and this Post shall be at all times governed by the Constitution and By-Laws of the Veterans of Foreign Wars of the United States, the By-Laws of the Department of South Carolina, orders issued by the authority of the National Convention, National Council of Administration, the Commander-In-Chief, the Department of South Carolina Convention, Department of South Carolina Council of Administration and the Commander of the Department of South Carolina. For the purposes of this Article and Section, Resolutions adopted by the National

Convention are held to be lawful orders.

## MEETINGS

- **SECTION 1. Place:** The regular meeting place of this Post shall be at: [address]

\_\_\_\_\_

,City/Townof: \_\_\_\_\_, South Carolina

The Post may change its meeting place in accordance with the provisions of Section 207 of the National By-Laws and Manual of Procedure.

- **SECTION 2. Time:** The regular scheduled meetings of the Post shall be held on the \_\_\_\_\_ [i.e.: 2nd Monday] of each month, to be called to order at \_\_\_\_\_ [am or pm]. The appointed day and time of regular meetings may be changed by a two thirds vote of the members present at any regular meeting. The Post members and the Department Commander shall be notified of any change of the appointed day and/or time of the regular meeting.

- **SECTION 3. Special Meetings:** A Special Meeting may be called in accordance with the provisions of the National By-Laws. [National Manual of Procedure-Section 203: Special meetings must be called for a date not more than fourteen (14) days after: (a) The Post Commander receives the signed, written request; or: (b) The majority vote of the members present at a regular meeting; or (c) The date upon which the Post Commander determines that a special meeting may be necessary. The Post Adjutant shall give notice, in writing, of the time and place of any special meeting and of the business to be transacted, such notice to be given in such a manner as to reasonably reach members at least forty-eight (48) hours in advance of the time set for the meeting. *No business* shall be transacted at any special meeting except that for which the meeting is called. The Post Commander shall call a special meeting upon the signed written request of seven (7) members or upon the vote of the majority of the members present at a regular meeting. The Post Commander may call a special meeting of the Post whenever in his opinion it may be necessary for the welfare of the Post. No business shall be transacted at any special meeting except that which the meeting is called.

- **SECTION 4. Quorum:** \_\_\_\_\_ members in good standing shall constitute a quorum or the transaction of business. [Section 203 National By-Laws: The Post By-Laws may specify the minimum number of members required to constitute a quorum for the transaction of business at a regular or special meeting, provided that *in no case* shall the

quorum be less than five (5) members.

## MEMBERSHIP

- **SECTION 1. Membership: Membership in this Post, eligible to, application for, acquiring and maintenance of, loss of discipline shall be in accordance with the provisions of the National By-Laws.**
- **SECTION 2. Admission Fee: The Admission fee [new members] of this Post shall be: \$, payable in accordance with the National By-Laws.**
- **SECTION 3. Dues: The dues of this Post shall never be less than the amount required to cover Department and National dues.**

## ARTICLE V OFFICERS

- **SECTION 1. Eligibility to, nomination, election or appointment, installation, duties and term of office shall be in accordance with the provisions of the National By-Laws.**
- **SECTION 2. The duties of all officers shall be those prescribed by National and Department By-Laws, lawful orders as the Post may direct and as these By-Laws may provide.**

## ARTICLE VI COMMITTEES AND DUTIES

- **SECTION 1. All committees and their chairmen, unless otherwise provided, shall be appointed by the Post Commander as promptly as possible after election to office, and as such shall serve at his will and pleasure. The Post Quartermaster, by virtue of his office, shall be the treasurer of *all* committees handling funds.**
- **SECTION 2. The standing Committees of the Post shall be as follows:**
  - Membership
  - Relief
  - Buddy Poppies
  - Publicity(newspapersetc.)
  - House Committee
  - Ways & Means
  - VA Volunteer Services
  - Community Service
  - Americanism
  - Loyalty Day
  - Youth Activities
  - Safety Programs
  - 'Voice of Democracy' Program
  - 'Patriot's Pen' Program
  - National Citizenship Teacher Award Program
  - Safety Programs
  - National Military Services

## **ARTICLE VII**

### **HOUSE COMMITTEE**

- **SECTION 1. House Committee [Definition]:**

For the purposes of these rules, a “Club Room,” “Canteen” or “Activity” is defined as an activity sponsored by this Post, or other subordinate unit of the State of South Carolina (including any holdings or managing corporation) wherein;

- The name “Veterans of Foreign Wars,” the insignia “VFW” or any colorable imitation thereof is utilized.
- One of the functions of which is the sale of food or beverage of any type in quarters permanently owned, rented or otherwise occupied by this Post.
- Under, the direct CONTROL of the Post pursuant to Section 709, VFW National By-Laws.

- **SECTION 2. Operations of Club Room/Canteen:**

- This Post shall not operate the Club Room/Canteen or other activities except under the control of the House Committee, and in accordance with these rules.

- **SECTION 3. House Committee:**

- This Post shall establish a House Committee to manage the business affairs of the Club Room/Canteen of not less than three (3) or more than seven (7) members .
- Choosing the House Committee shall be adopted by a majority vote of this Post at a regular or special meeting.
- By way of a motion and second and passed at a regular or special meeting, this Post may either (a) appoint (3) & elect four (4) or (b) nominate and elect the House Committee exclusively by this Post.
- In addition to the above, the Post Commander and Post Quartermaster, by virtue of their office, shall be members of the House Committee but *shall not* have a vote.
- The Post Quartermaster, by virtue of the office, shall be the Treasurer of the House Committee.
- The Chairman of the House Committee shall be by election of the House Committee at its first organizational meeting.
- Post Trustees and the Post Quartermaster *shall not* serve as an employee unless written permission is given by Department Headquarters.
- Any member of the House Committee, if appointed, may be removed by the Post Commander or, if elected may be removed for cause by a two-thirds (2/3) vote of the Post members at a regular or special meeting, providing written notice of such meeting, stating the subject matter to be voted upon, be sent to each member in good standing at least 10 days prior to such meeting, and in lieu thereof, discipline under Article IX of the National By-Laws.
- This Post may at any regular or special meeting, by two-thirds (2/3) vote of the members present, remove from the House Committee any member of the House Committee who fails to attend three (3) consecutive meetings of the House Committee without valid excuse and written notice to such member.

# ARTICLE VII continued....

## HOUSE COMMITTEE

- **SECTION 4. House Committee Meetings:**

- The House Committee shall hold at least one regular meeting each month, at such times and places as recommended by the House Committee and approved, in advance, by the Post at a regular or special meeting.
- Special meetings of the House Committee may be called by a majority of the House Committee, provided notice of the time and place be posted in the Post Home on the Bulletin Board at least three (3) days prior to said Special meeting and all members of the House Committee be notified in person, e-mail or telephone of such Special meeting in lieu of an emergency.
- A majority of the House Committee members, elected and/or appointed, must be present for the transaction of business at a regular or special meeting.

- **SECTION 5. House Committee Secretary:**

- One (1) member of the House Committee shall act as Secretary, keep minutes of *all* meetings and prepare a report of each meeting to be read by the House Committee Chairman at the next regular meeting of this Post. This report shall be attached and made a part of the Post Adjutant's minutes.

- **SECTION 6. Operations/Personnel:**

- No member of the House Committee shall be employed nor receive any compensation for his/her service.
- **Manager:** The House Committee shall appoint a Manager to operate the Club Room/Canteen, subject to the House Committee's instructions. The manager shall be responsible to the House Committee and to the Post Commander for conduct of all patrons.
- **Employees:** The manager shall employ all personnel of the Club Room/Canteen, subject to the recommendations and approval of the House Committee. *No elected officer of the Post* shall be employed as Manager or other employee of the Club Room/Canteen while holding an elective office. No member of the immediate family of the Post Commander, Post Quartermaster, a Post Trustee, or Club Room/Canteen Committee Chairman shall be employed by the Club Room/Canteen *except* on a one-time "emergency" basis. For the purpose of this section, immediate family includes but is not limited to spouse, former spouse, parent, parent-in-law, step-child, child-in-law, child or grandchild.
- **Audit & Inventory:** The Club Room/Canteen's financial records and properties shall be inventoried and audited and approved by the Post Trustees or by qualified auditors or accountants approved by the Post at least monthly.

# ARTICLE VII continued....

## HOUSE COMMITTEE

- **SECTION 6 continued.... Operations/Personnel:**
  
- **Financial Records:** The Manager shall maintain adequate financial records, as established by the House Committee [which reflect compliance with State & Federal Laws] and submit a monthly report to the Post, approved by the House Committee, showing the following:
  - Operating Cash Receipts for the period covered by the report;
  - Inventory at the beginning of the period covered by the report;
  - Inventory at the end of the period of the report;
  - Net operating income (loss) for period covered by the report;
  - Net operating income or loss from beginning of fiscal year to end of covered report;
  - Amount of cash on hand (including operating capital) at end of period by the report;
  - Amount of Accounts Payable at end of the period covered; and..
  - Any other financial data or information required.

This report shall be made in writing and made a part of the Post Adjutant's minutes. Copy of this report shall be posted conspicuously on the Post Bulletin Board. All expenditures are to be supported by invoices and/or vouchers.

- **Monies:** The House Committee shall establish a specified sum to be used by the Manager as necessary operating capital.

All monies representing the net operation receipts (after disbursement) acquired by the Club Room/Canteen, shall be turned over to the Post Quartermaster or deposited on a bank account designated by the Post Quartermaster as often as specified by the House Committee, but at least weekly. No expenditures shall be made for furniture, furnishings, equipment, etc., without prior approval of the Post members at a regular or special meeting, *except* for emergency repairs. The Manager and all employees handling Club Room/Canteen monies shall be bonded, by separate bonding company through Department Headquarters [TIA] for at least the amount of the established operating capital plus the amount of the average inventory.

### **SECTION 7. Conduct:**

- **Conduct:** Good order shall be maintained at all times on the premises of the Post Home. Club Room/Canteen privileges shall be discontinued forthwith to any person and said person shall immediately leave the premises and be suspended from Club Room/Canteen privileges until further action is taken by the House Committee. Comrades who have been observed committing the following acts are assumed to be disruptive to good order:

## **ARTICLE VII continued....**

### **SECTION 7 continued... Conduct:**

- Discuss affairs of the Veterans of Foreign Wars, or any of its members within the presence of, or hearing of a non-member of the Veterans of Foreign Wars;
- Violates his/her obligation as a member or officer of the Veterans of Foreign Wars;
  - Becomes obnoxious, offensive, or whose conduct reflects discredit in any way or manner on the Veterans of Foreign Wars or any of its members;
- Violates any rules, regulations, By-Laws [National, Department & Post] or laws of the State of South Carolina, County, City Town, South Carolina Department of Revenue, Federal laws of the United States, Veterans of Foreign Wars or House Committee;
- Becomes intoxicated or arrives intoxicated on the premises; or
- Creates a scene, or participated voluntarily in same, and any fracas or disorderly conduct on the premises.

The operation of the Club Room/Canteen or activities by the Post shall not violate any rule, regulation, By-Law, Manual of Procedure, lawful order or law of the United States, State of South Carolina, Department of South Carolina VFW, County, City, Town, South Carolina Department of Revenue or any other division of state or federal government, Veterans of Foreign Wars, this Post or the Post House Committee.

- **SECTION 8. Further Suspension From Club Room/Canteen Privileges:**
- The House Committee shall convene a meeting within one (1) week from the date of suspension of any person for the purpose of considering further suspension, which meeting may be continued to a later date at the request of the accused, and after hearing the charges and circumstances, and allowing the accused an opportunity to be heard, may impose additional suspension of Club Room/Canteen privileges of from ten (10) to ninety (90) days. Such hearing is to be conducted informally and it shall be considered a duty of all members who have knowledge of any fact or circumstance which is material to such hearing or suspension, to attend the same and inform the House Committee of their knowledge.
- **SECTION 9. TaxReturnsandInformation:**
- Tax information for the Post is to be contained in the Post Adjutant/Post Quartermaster Operations Manual. Tax information is by no means all inclusive of the Internal Revenue Code. Specifics concerning filing of State and Federal tax returns should be addressed to a Certified Public Accountant (CPA) or an accountant employed by the Post.

## ARTICLE VII continued....

### ●SECTION 10. Enjoyment of Club Room/Canteen Facilities:

All members in good standing (dues current) of the Veterans of Foreign Wars [including members of the Men's or Ladies Auxiliaries] and their bona fide guest, shall be entitled to enjoy the Club Room/Canteen facilities. Bona guest includes:

- Non-members accompanied by a Post member and who leaves at the same time as the member who is responsible for their conduct on the premises;
- Members of an outside organization or group [non-profit], whose functions are similar to that of the Veterans of Foreign Wars, that are allowed the use of the Post facilities for meeting purposes only; and
- Members of other Veterans' organizations, where reciprocal provisions exist to members of the Veterans of Foreign Wars in the Club Room/Canteen.
- The above restrictions do not apply where a license is held for operations open to the public.

### ● SECTION 11. Closed Periods:

- The Club Room/Canteen facilities *will not be open* during any Veterans of Foreign Wars, Department of South Carolina Post, District meetings or open installations at the Post. This provision does not apply where a license is held for operations open to the public, however no member of the Veterans of Foreign Wars may patronize such activity during such period.

### ● SECTION 12. Post Governance Policies:

- The Post shall keep annual Governance Policies and make sure that they are retained and signed [where applicable] in case of an Internal Revenue inspection.

### ● SECTION 13. Additional Rules:

- The Post may adopt additional Rules or By-Laws, not in conflict herewith. A copy of these rules shall be posted at all times in a conspicuous place on the Bulletin Board of the Post.

### ● SECTION 14. Compliance:

- These rules are and shall in the future be in full compliance with the Department of South Carolina VFW.



## **ARTICLE VIII**

### **CONTROL OF SUBSIDIARY UNITS**

- **SECTION 1.** Any Activity, Club Room/Canteen that is sponsored, operated by the Post, incorporated separately from the Post or unincorporated, shall be at all times under the direct control of the Post.
- **SECTION 2.** All funds derived from any of the above shall be in the custody of the Post Quartermaster.
- **SECTION 3.** All monies, property and assets of every kind, as well as, all records in connection therewith used, held and owned by any of the above activities is the property of the Post and must be placed in the care and custody of the Post Quartermaster.
- **SECTION 4.** For purposes of this Article, the Ladies Auxiliary to the Veterans of Foreign Wars, the Military Order of the Cootie and its Ladies Auxiliary are governed by Articles XI and XII respectively of the National By-Laws and Manual of Procedure of the Veterans of Foreign Wars and their respective By-Laws, Rules and Regulations.

## **ARTICLE IX**

### **EXPENDITURE OF FUNDS**

- **SECTION 1.** Expenditure of funds shall be made only after prior authorization by the Post and on a proper voucher drawn by the Adjutant and approved by the Post Commander. All checks for expenditures of Post funds shall be numbered in sequence, the number of each check to correspond with the voucher authorizing the same and in addition to the signature of the Quartermaster, shall be countersigned by the Post Commander.
- **SECTION 2.** The adoption of this Article shall constitute authorization by the Post for the payment of bills, when and as due, for monthly rental/mortgage public utility service, janitorial service, janitorial supplies, kitchen supplies and minor emergence repairs authorized by the House Committee, provided that the amounts to be paid for monthly rental of equipment and other monthly bills such as Club Room/Canteen supplies etc. have been previously established by the Post.
- **SECTION 3.** No other payment or expenditure shall be made except on the specific authorization of the Post in each and every case.

## **ARTICLE X**

### **COMPENSATION**

- **SECTION 1.** No compensation shall be paid to any officer [elected or appointed] of this Post for his/her services as such officer, except as hereafter may be provided.
- **SECTION 2.** All funds derived from any of the above shall be in the custody of the Post Quartermaster.
- **SECTION 3.** For services rendered, the Post may, by a majority vote, pay the annual dues of the Adjutant and Quartermaster for the periods or parts of the periods they serve as such, and such other compensation commensurate with their duties as may be determined and specified by a majority vote of the Post.

## **ARTICLE XI**

### **FUNDRAISING PROMOTIONS/SOLICITATIONS**

- **SECTION 1.** This Post shall solicit funds or donations only by prior vote of the members agreeing to the proposition. The Post shall not solicit funds outside the immediate geographical area or community of the Post.
- **SECTION 2.** This Post shall not enter into any agreement with a promoter for the purpose of raising funds unless the said promoter shall have first furnished a good and sufficient surety bond in a principle sum sufficient to give the Post ample protection in the particular circumstances. The said bond shall be subject to the approval of the Post Judge Advocate, bear the endorsement of the Post Commander and be kept in possession of the Post Quartermaster. The bond will be conditioned on the payment to the Post Quartermaster of all monies due the Post as a result of the solicitation within thirty (30) days of the close of the campaign. If the promoter has made satisfactory settlement within the thirty (30) day period, then surety will be determined to be discharged, otherwise the bond will remain in full force and effect.
- **SECTION 3.** If the bond cannot be furnished, then all collections shall be made by the members of the Post sponsoring the campaign or entertainment and said funds shall be paid to a bonded officer of the Post who shall hold the funds in his custody pending proper pro rata distribution.

## **ARTICLE XI continued...**

### **FUNDRAISING PROMOTIONS/SOLICITATIONS**

- **SECTION 4.** Fund Raising Organizations or individuals conducting solicitations, activities or projects for a profit shall not be engaged or used by the Post for such purpose unless such engagement is made by written agreement between the Post and the organization or individual (s) providing those services. The form of any such written agreement must be submitted to the Department Commander for review at least thirty (30) days prior to the Post entering into any such agreement.
- **SECTION 5.** Unless previously authorized by a majority vote of the Post, no solicitations or ticket sales shall be permitted in the Post quarters or at socials or meetings unless such solicitations or ticket sales shall have been approved by the Post.
- **SECTION 6.** The Ways and Means Committee shall confine any such approved solicitations or ticket sales to stated meetings and socials of the Post in or around the Post quarters.

## **ARTICLE XII**

### **MISCELLANEOUS**

- **SECTION 1.** Every member of this Post shall keep the Post Adjutant and Post Quartermaster advised of his/her current address by promptly reporting any change of same.
- **SECTION 2.** Upon the death of a member, the Post Adjutant or Post Quartermaster shall notify National Headquarters as well as the Department of South Carolina Chaplain.
- **SECTION 3.** A current copy of the National By-Laws, Manual of Procedure and Ritual (Podium Book), Demeter's Manual, as well as, current Department of South Carolina VFW By-Laws shall be retained with the Adjutant's records.
- **SECTION 4.** One copy of these National approved Post By-Laws shall be issued to each elected and appointed officer of this Post.
- **SECTION 5.** In all Post procedures not provided for by the National Constitution and By-Laws or these By-Laws, Demeter's Manual shall be the authority, and it shall be the duty of the Post Judge Advocate, in a supervisory way, when called upon to do so by the Post Commander, to advise the Post Commander on the proper rule(s) of order.

## **ARTICLE XIII**

### **SPEECHES**

- **SECTION 1.** No member shall be permitted to speak on any one subject (pro or con) more than twice; the first time no longer than five (5) minutes and the second time no longer than three (3) minutes, with the exception of a committee report and recommendations and visiting guests who have a message to deliver to the members.

## **ARTICLE XIV**

### **AMENDMENTS**

- **SECTION 1.** These By-Laws shall become effective after adoption by this Post and after review by the Department of South Carolina Commander and the Commander-in-Chief of the Veterans of Foreign Wars of the United States.
- **SECTION 2.** These By-Laws may be amended by the Post by a two-thirds (2/3) vote of the members present at a stated meeting thereof provided, however such proposed amendments must have been read at the preceding stated meeting and each member notified, at least seven (7) days in advance by first-class mail or e-mail, of the contents of the amendment (s) and the date on which the proposed amendment (s) are to be presented for adoption. All amendments shall be forwarded through channels and reviewed by the Department Commander and the Commander-in-Chief of the Veterans of Foreign Wars of the United States before becoming effective.
- **SECTION 3.** Wherever these By-Laws or subsequent amendments may be found to be in conflict with the present or any future National By-Laws and the By-Laws of the Department of South Carolina VFW, the latter shall prevail and be binding upon this Post as though written herein.
- **SECTION 4.** Three (3) copies of these adopted By-Laws or subsequent amendments shall be forwarded through channels to Department Headquarters, which after review will be forwarded to the Commander-in-Chief.

**These By-Laws were adopted, subject to the review of the Commander-in-Chief of the Veterans of Foreign Wars of the United States and the Department of South Carolina Commander-**

**Veterans of Foreign Wars of the United States on this \_\_\_\_\_ day of the month of \_\_\_\_\_, 20\_\_\_\_ at a regular meeting of this Post in the City/Town of \_\_\_\_\_, and County of \_\_\_\_\_, State of South Carolina.**

\_\_\_\_\_  
*Official name of the Post*

\_\_\_\_\_  
*Post No.*

**Veterans of Foreign Wars of the United States**

**By** \_\_\_\_\_  
*print post commander's full name*

**By** \_\_\_\_\_  
*post commander's signature*

**OFFICIAL AGENT**

**By** \_\_\_\_\_  
*print post adjutant's full name*

**By** \_\_\_\_\_

*signature of post adjutant*

**Date:** \_\_\_\_\_

***These documents to be completed in triplicate with the signatures of the Post Commander and Post Adjutant affixed to each copy and mailed to Department Headquarters:***

**VFWSC Headquarters, 210 Glassmaster Road, Lexington, South Carolina 29072**