

THE AMERICAN LEGION, DEPARTMENT OF MARYLAND
ROCK HALL SERGEANT PRESTON ASHLEY POST 228 STANDING RULES

Background of Standing Rules. Post may decide to further supplement and clarify the By-Laws. 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 comply with, the By-Laws. The American Legion and the Department of Maryland utilize Roberts Rules of Order as the established parliamentary procedure, which explains standing rules as follows: ***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. Adding/Amending/Deleting Rules. A major advantage to 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 228 may give advance notice of proposed Standing Rule changes, and the Chair at the Membership Meeting will be receptive to a request to table a motion on a Standing Rule to give the Members additional time to consider and discuss such a motion.

STANDING RULE 2 - POST OFFICERS

Section 1. Elected Officers. In accordance with the Post Constitution, Article IV, Section 1, the elected officers of Post 228 shall be: Commander; 1st Vice Commander; 2nd Vice Commander; Judge Advocate; Adjutant; Finance Officer; Sergeant-at-Arms, Service Officer, Chaplain, Historian, and two (2) Executive Officers.

Section 2. Vacancies. Vacancies shall be filled in the same manner as prescribed in Article II of the Post By-Laws.

STANDING RULE 3 - POST EXECUTIVE COMMITTEE (PEC)

Section 1. Composition. In accordance with the Post Constitution, Article V, Section 2, the PEC shall consist of: Commander; 1st Vice Commander; 2nd Vice Commander; Judge Advocate; Adjutant; Finance Officer; Sergeant-at Arms; Service Officer; Chaplain; Historian; and two (2) Executive Officers.

Section 2. Responsibilities and Authority of the PEC. The PEC is the administrative authority and manages Post 228 in accordance with the Constitution and By-Laws of The American Legion, of the Department of Maryland, and of Post 228, but they manage the Post on behalf of the Post 228 Membership. The PEC 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; the daily operations of the Post, to include employment and compensation decisions; and the obtaining of insurances as appropriate.

Section 3. PEC Elected Members (PEMs)

(a) Eligibility. Any Member, other than the officers who are members of the PEC ex officio, may serve as a PEM.

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(b) Election of PEM. 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.

(c) Vacancy in a PEM Office. A vacancy in the PEM shall be treated as a vacancy in an elected office. 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.

(a) Preparation and Approval. A budget shall be proposed by the PEC at least 60 days before the start of the Post's Fiscal Year (July 1 – June 30 the following year). 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.

(b) Expenditures. The Finance Officer shall make disbursements and payments for budgeted items or expenditures, and is permitted, with permission of the Post Commander, to exceed the Post budgeted amount for any line item in the Post Budget by 10%. All such expenditures exceeding budget lines is considered approved by the Post but must be reported to the next PEC Meeting and Post Membership meeting. Recommendations for amendments to the line items shall be considered at that time to allow continued operations of such expenditures.

Section 3. Procurement and Spending Limits for Non-Budgeted Items.

(a) Small Purchases. These are purchases below \$2,500.00, and the PEC may approve these purchases as approved by Post membership. The Post Commander may authorize small purchases up to \$500 for the Post without prior approval. These purchases will be reported to the Membership at the next Regular Membership Meeting.

(b) Purchases in Emergency Circumstances. For purchases exceeding the budgeted emergency circumstance line item, up to an additional \$5,000.00, may be approved by the PEC without additional approval of the Post Membership, if the PEC determines that exigent circumstances warrant the purchase commence, or contracts be entered without delay. Exigent circumstances include things such as, but not limited to, the emergency repair of electrical, plumbing, heating & 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 PEC without 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 PEC recommendation, shall automatically be referred to the PEC for consideration and recommendation. No such expense may be voted upon by the Post Membership meeting until

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the next Regular Membership Meeting following the initial motion. This rule may be suspended with a unanimous vote at any Post Membership meeting.

Section 5. Contracting With Members of Post 228 or Their Relations. Contracts with, or compensation for services or supplies from, Members of Post 228, or their relations, are subject to the same restrictions and considerations on employment in Standing Rule 6. This does not preclude using volunteer labor of members or their relatives.

Section 6. Criteria for Purchases. Purchases 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 interest. 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. Financial Reporting. The Finance Officer's monthly Financial Report specified in the Constitution and By-Laws Article VI, Section 12, should include all Post bank/financial accounts.

Section 8. Annual Audit. The Judge Advocate shall ensure an Audit Committee (AC) is established and that the annual audit of the Post's financial position is performed. The Finance Officer shall make all books available to the audit committee and be available to answer any questions. The AC shall render an opinion on the status of the Post's financial condition and make recommendations on any findings identified to the Commander. The Commander and Finance Officer shall develop an action plan to implement the recommendations of the AC. If the Commander or Finance Officer disagrees with an AC finding, a written response is required explaining their position. The annual audit report and all corresponding documentation shall be retained in the Post office for at least 10 years.

STANDING RULE 5 - OTHER POST 228 EXPENDITURES

Section 1. Expenditures for Routine Post 228 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 PEC 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 financial reporting at Regular Membership Meetings.

Section 2. Expenditures for Post 228 Initiatives. Post 228 may sponsor on-going activities such as, but not limited to, sports teams and scouting organizations. The Post may budget such expenses. The Post may also support other occasional activities (e.g., of a social, patriotic, or fund-raising nature). In cases of non-budgeted expenditure, the approval of the Membership is required to engage in or support such activities, and such approval is the authority to incur and pay the associated reasonable and necessary expenses. These expenses will be reflected in the financial reporting at Regular Membership Meetings.

Section 3. Post Donations. Charitable donations, not contained in the Post budget, are subject to the approval of the Membership.

Section 4. Bereavement. Flowers, costing up to \$100, are to be sent to the Funeral Home or Family Home when a current active member of Post 228, living in the immediate area of Kent

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County passes away. Flowers will also be sent upon the death of the spouse of an active member of Post 228.

STANDING RULE 6 - POST 228 EMPLOYEES

Section 1. Employees of Post 228. An employee of Post 228 is an employee within the meaning of the guidelines of the State of Maryland Department of Labor, Licensing, and Regulation. In short, a Post 228 employee is a person for whom the Post submits IRS Form W-2. Independent contractors paid for services are not employees (e.g., reported on IRS Form 1099).

Section 2. Employment Authority. The PEC has hiring and discharge authority over employees, which includes setting the qualifications for, and the terms and conditions of, employment. Employment with Post 228 is at will and does not constitute a contract between the employee and the Post. The PEC has supervisory and disciplinary authority over Post 228 employees. Post 228 membership has approved, in exigent circumstances, that the Post Commander, Bar Chairman, and Lounge Steward (Bar Manager) may exercise this authority.

Section 3. Bartender (Lounge Steward). Attire should be the issued collared shirts for special functions and during normal scheduled work shifts. The collared shirts should have the American Legion emblem affixed or, the bartender should attach the magnetic backed American Legion emblem to their shirt. Shirts without sleeves (tank tops) and mid-drift shirts are not appropriate and therefore prohibited. If a bartender is found not in compliance, they may be excused and asked to put on the proper attire to finish their scheduled shift.

Section 4. Employment Considerations.

(a) Hiring Process. (i) All candidates for employment shall complete an application, submit a copy of their driver's license, and all applicable State and Federal forms. **(ii)** An Interview Committee (IC) consisting of the Commander, Bar Chairman, and Bar Manager shall conduct the interview of the applicant. **(iii)** The IC shall make a recommendation to the PEC for final decision. **(iv)** The IC shall designate a representative to notify the applicant of the PEC's decision on their employment status.

(b) Employment of Post 228 Members or Relations. Subject to the considerations and restrictions set forth in this Standing Rule, employees who are a Member of Post 228 must exempt themselves from voting on any issue involving said employee.

(c) Conflicts of Interest. All employment decisions shall consider the need to avoid real or apparent conflicts of interest, and to ensure fairness and consistency in the exercise of hiring and compensation authority.

(d) 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.

(e) Recusal from Employment Decisions. If an employee is a person that cohabitates with, is a relation of, or significant other of a Post 228 Officer or PEM, that Officer or PEM shall recuse himself or herself from all decisions affecting such person's employment.

Section 5. Discharge of Post 228 Employees. While Maryland is an "employment-at-will" state, the PEC will ensure that employees are afforded pre or post discharge access to the PEC concerning their proposed or effected discharge.

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STANDING RULE 7 - HONORARY LIFE MEMBER COMMITTEE

Section 1. Composition of Committee. The Honorary Life Member Committee shall consist of 3 members of Post 228, at least one of which is a Life member, appointed by the PEC annually, on or before March of the year the award is to be given.

Section 2. Criteria for selection. The Honorary Life Member Committee criteria for selection of Honorary Life members are: 1) a member in good standing of Post 228 for at least 15 years; 2) have continuously served the post for 15 continuous years; 3) held elected and/or appointed Post positions; 4) been involved in American Legion activities in and for the Post, District, and Department representing Post 228, including attending Department conventions as a delegate of the Post.

Section 3. Recommendations. The Honorary Life Member Committee shall recommend no more than three nominees to the PEC deserving Honorary Life Membership. The PEC shall meet once per year to consider nominees and may select no more than one per year (or none). The nominee, if any, must be approved by the Post membership. The Post shall pay any Paid Up for Life (PUFL) fees for the approved member(s), and forward letter naming the individuals to Department Headquarters.

STANDING RULE 8 - Membership Dues

Section 1. Establishment of Amount. Membership dues for the Post shall be \$40.00. A change of Membership dues shall be approved by the membership and subsequent modification of this Standing Rule. In no case shall dues be less than the minimum dues required by the Department of Maryland and the National American Legion dues.

Section 2. Scheduling of Changes. Post membership dues for the ensuing year shall be established not later than February of the membership year for which they are to be applied with proper notification to The American Legion Department of Maryland.

STANDING RULE 9 - MEETINGS

Section 1. Monthly Membership Meetings. Regular scheduled meetings of Post 228 Membership shall be held at the Post home on the second Tuesday of each month at 7 PM. A quorum set forth in the by-laws consists of at least 7 members.

Section 2. Joint (Family) Meetings with ALA, SAL, and ALR. Regularly scheduled family meetings of Post 228 Executive Committee, American Legion Auxiliary (ALA) Unit 228 Executive Committee, Sons of the American Legion (SAL) Squadron 228, and the American Legion Riders (ALR) Executive Committee shall be held at the Post home on the first Thursday of March, June, September, and December at 7 PM. Family Meetings may be cancelled if the Post Commander, ALA President, SAL Commander, ALR Director determine there is no need for the meeting.

Section 3. Monthly PEC Meetings. Regularly scheduled meetings of Post 228 Executive Committee shall be held at the Post home on the second Tuesday of each month at 6PM before the General Membership Meeting at 7 PM. Such meetings may be cancelled if the Post Commander determines there is no business to conduct. A quorum, as set forth in the by-laws, consists of a majority of the members of the PEC.

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STANDING RULE 10 – REIMBURSEMENTS

Section 1. Mileage Reimbursements. Mileage reimbursements may be provided to those required to travel more than 20 miles on Official American Legion business. Such reimbursements shall be in accordance with the U.S. General Services Administration rate¹ of \$0.70 per mile (2025), with distances determined from the Post home to the location of the activity and subsequent return. Carpooling is encouraged. Reimbursement will be made through the Finance Officer using Post 228’s travel voucher.

Section 2. Stipend for Department Convention. Delegates to the annual Department Convention, who attend all business sessions of that convention, will be permitted reimbursement of mileage, hotel expenses, and a stipend for other expenses. See below for established limits.

- 1 Day – Mileage to and from the event per GSA rate.
- 2 Days – Mileage, Hotel, and Food not to exceed \$400.
- 3 Days - Mileage, Hotel, and Food not to exceed \$600
- Entire Conference - Mileage, Hotel, and Food not to exceed \$800

To qualify for the stipend, the delegate must attend at least six Post Membership Meetings and be approved by the Post Commander. Reimbursement will be made through the Finance Officer using Post 228’s travel voucher.

Section 3. Routine Purchases for the Post. Members who make routine small purchases for the Post, as approved by the Post Commander or Finance Officer, shall be reimbursed upon providing the purchased items and proof of such purposes (i.e., receipt from establishment where purchased).

STANDING RULE 11 - HOUSE RULES

Section 1. Admission to the Post. The following persons shall be admitted to the Post: 1) all members of the American Legion in good standing; 2) all members of The American Legion Auxiliary in good standing; 3) all members of the Sons of The American Legion in good standing; 4) all members of the American Legion Riders in good standing; 5) all active-duty members of the armed forces; and 6) veterans of other Veteran’s Service Organizations in good standing.

Section 2. Guests. A bona fide guest is one invited by a member to participate in a Post activity, and whose expenses are paid by the member. If a guest pays their own recreation, food, or drink, they are not a bona fide guest.

Section 3. Attire. All persons are expected to dress appropriately. Political attire is permitted but it must be in good taste. Shoes, sandals, or other footwear is required, and bare feet are not permitted. The following attire is NOT permitted: see-through attire; swim trunks; bathing suits; bikinis; midriff-baring tops; attire displaying profane writing or graphics of an obscene nature; or men’s sleeveless shirts or tank tops.

Section 4. Behavior. The Post is a welcoming and inviting place for our members and guests. Loud, boisterous, or profane language shall not be tolerated. Threatening or intimidating language or gestures shall not be tolerated. Any member or guest removing, damaging, or

¹ [Privately owned vehicle \(POV\) mileage reimbursement rates | GSA](#)

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destroying any property on the Post shall be held responsible. All persons on Post property are responsible for cleaning their own debris. No trash or cigarette debris shall be thrown on the ground. Inside the Post, debris shall be placed in appropriate receptacles.

Section 5. Alcohol Beverages and Food. No off-premises alcoholic beverages of any kind may be brought onto the Post property, including the parking lot. This includes coolers concealed inside a vehicle. No alcoholic beverages of any kind may be taken from the premises, to maintain compliance with the laws of the State of Maryland. Consumption of alcoholic beverages served at the Post must take place inside the Post or in the grassy area and parking lot of the Post. No outside food or beverages may be brought into the Post without prior authorization.

Section 6. Games and Amusements. All forms of games and amusements shall stop 15 minutes prior to the stated closing time. Minors must be accompanied by an adult to play pool and not be unattended.

Section 7. Check Cashing and Payment for Service. Check cashing is only allowed for members and limited to \$100 daily. Amounts exceeding \$100 must be approved by the Post Commander, Post Finance Officer, or Post Lounge Chairman. Payment for services shall be by cash or credit card. Credit card sales have a minimum of \$10 and there shall be no cash back from credit card/debit card purchases. The bartender or steward may require a person to provide a credit card to establish a tab, retained at the cash register until the tab is settled. Lending of Lounge Funds is strictly prohibited.

Section 8. Smoking. There is no smoking of any kind, to include vaping, inside the Post facility. Smoking shall only be permitted in the designated smoking area provided and must not take place in the immediate vicinity of the entrance to the Post.

Section 9. Marijuana. The State of Maryland allows the medical use of marijuana in one's private residence, with appropriate authorization. The law does not allow operating a motor vehicle under the influence of marijuana. Use of marijuana is prohibited on the premises of Post 228. Failure to comply can result in suspension of access to Post facilities and may be reported to the appropriate law enforcement agency.

Section 10. Refusal of Service. The Lounge Steward, or an employee on duty, may refuse service to anyone.

Section 11. Closing the Post. The Lounge Steward, or employee in charge, may close prior to posted closing time under conditions such as the following: lack of patrons; severe weather; Post Commander or Lounge Chairperson approval. If unsure, contact the Lounge Steward or Lounge Chairperson.

Section 12. Enforcement. The Lounge Steward, or employee in charge, shall have full authority to enforce House Rules while on duty, and may demand any person leave the facility for misconduct or violation of the House Rules. Such person shall be considered as trespassing should they refuse to leave and, if necessary, the employee may contact law enforcement. American Legion Members are subject to discipline under Uniform Code of Discipline per the Judge Advocate's Manual. Members of the American Legion, ALA, SAL, and ALR have the right of appeal to the PEC.

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Section 13. Service Animals. Service animals are permitted inside of the Post. No other animals are permitted inside the Post.

Section 14. Access to the Lounge. Access to the lounge is restricted to persons aged 21 and over. Under no circumstances are persons under the age of 21 permitted to sit in the lounge, sit at the bar, or sit at any of the slot machines. Persons in violation of this rule will be asked to leave the premises.