



## Register of Submitted Resolutions to be Considered by The Department Executive Committee

4 April 2020

Resolution No.	Origin	Title
20-09	12 <sup>th</sup> District	National Veterans Memorial and Museum Four Chaplains Display
20-10	Department VA&R Committee	To amend CPR to reflect Veterans Treatment Court donations and volunteer hours
20-11	Department National Security Committee	The American Legion Department of Ohio Statement Strongly Opposes Jane Fonda
20-12	Joe Barr Post 194 (4 <sup>th</sup> District)	To Require the Ohio Burgee on all Ohio Legion Uniform Caps
20-13	12 <sup>th</sup> District	Support 2026 National Convention to be held in Columbus, Ohio
20-14	Department Finance Committee	To amend the Department Constitution to remove Article X: Standing Committees
20-15	Department Finance Committee	To amend the Department By-Laws to add Article III: Standing Commission and to add Article IV: Duties of Commissions
20-16	Department Finance Committee	To create a Department Finance and Operations Policy and Procedures Manual
20-17	Department Finance Committee	To Change the Department Fiscal Year
20-18	Department Judge Advocate	To amend the Department By-Laws Article IV: Discipline

**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-09

SUBJECT: National Veterans Memorial and Museum Four Chaplains Display

REFERRED TO COMMITTEE ON: Department Executive Committee

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**WHEREAS**, One of the founding principles of The American Legion is “To preserve the memories and incidents of our associations in all wars”; and

**WHEREAS**, The motto of The American Legion is “For God and Country”; and

**WHEREAS**, The American Legion and The American Legion Department of Ohio are supporters of The National Veterans Memorial and Museum; and

**WHEREAS**, The American Legion supports the Chapel of the Four Chaplains and the Four Chaplains Foundation; and

**WHEREAS**, The American Legion Post throughout the nation hold services in early February of each year to recognize and honor the selfless service of The Four Chaplains to their comrades; and

**WHEREAS**, The National Veterans Memorial and Museum does not have, currently, a display telling the story of the Four Chaplains; and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, That The American Legion Department of Ohio and The American Legion work with The National Veterans Memorial and Museum and The National Four Chaplains Foundation in supporting the addition of a display recognizing and telling the story of the Four Chaplains; and, be it finally,

**RESOLVED**, That The American Legion Department of Ohio and The American Legion support, as part of the display at The National Veterans Memorial and Museum, the story of how Legionnaires reflect on the need for selfless service to our comrades and communities through the annual Four Chaplains Service.

Origin: American Legion Navy Marine Post 276  
Submitted By: 12<sup>th</sup> District

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This is to certify that this resolution was presented before the 2019-2020 Department Executive Committee with the following action:

Approved      Approved with Amendment      Rejected      Received and Recorded      Consolidated with  
Referred to Standing Commission or Committee on  
Other Action  
Signature of Chairman or Secretary \_\_\_\_\_

**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio**

**Department Executive Committee**

**4 April 2020**

RESOLUTION NO. 20-10

SUBJECT: To Report Veteran Treatment Court Program Activities on Consolidated Post Report

REFERRED TO COMMITTEE ON: Department Executive Committee

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**WHEREAS**, The American Legion established the Consolidated Post Report in 1975 in order to assist departments in the documentation of the various activities conducted by a specific post within a twelve-month reporting period, June 1<sup>st</sup> through May 31<sup>st</sup>, and may be the most beneficial document that the post will complete; and

**WHEREAS**, The Consolidated Post Report has seven specified categories: Veterans Affairs and Rehabilitation, National Security, Public Relations, Ceremonial Honors for Veterans-Post Sponsors, Veterans Employment and Education, Americanism, Children and Youth, and Internal Affairs and Membership; and

**WHEREAS**, Each category has questions on the post particular activities and monetary contributions; and

**WHEREAS**, The Consolidated Post Report submitted by the individual Post are used to create the Department and Nationals' annual reports; and

**WHEREAS**, In 2017, The American Legion by resolution recommends the various departments and post to provide non-monetary assistance, support to veteran treatment courts, and to work with Justice for Veterans to provide training to department service officers and American Legion volunteer members interested in creating and/or supporting a Veterans Treatment Court; and

**WHEREAS**, American Legion post may fundraise or contribute funds and/or volunteer hours to support a local Veterans Treatment Court and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, calls for The American Legion to add three questions in regards to Veterans Treatment Court activities under the Veterans Affairs and Rehabilitation section; and, be it finally

**RESOLVED**, That the questions inquire the post volunteer hours, monetary donations, and volunteer training events.

Origin: Department Veterans Affairs and Rehabilitation Committee

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Other Action  
Signature of Chairman or Secretary \_\_\_\_\_

**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio**

**Department Executive Committee**

**4 April 2020**

RESOLUTION NO. 20-11

SUBJECT: The American Legion Department of Ohio Strongly Opposes Jane Fonda

REFERRED TO COMMITTEE ON: Department Executive Committee

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**WHEREAS**, Jane Fonda has a history of being a Vietnam War protester and she is a woman who is synonymous with outrage; and

**WHEREAS**, Jane Fonda treated members of our military with disrespect and dishonor; and

**WHEREAS**, Many veterans refer to Jane Fonda as “Hanoi Jane”, due to her radio broadcast which attempted to shame the American troops; and

**WHEREAS**, Jane Fonda visited North Vietnamese villages, hospitals, schools, and factories damaged in the war; and

**WHEREAS**, During these visits Jane Fonda made various statements denouncing U.S. military policy in recordings which were broadcasted as propaganda to U.S. servicemen and servicewomen via *Radio Hanoi*, and she made several announcements over *The Voice of Vietnam* radio to implore U.S. pilots to stop the bombing; and

**WHEREAS**, In 1988, The American Legion passed a resolution opposed to accepting Jane Fonda’s apology until she proves by her actions in a show of good faith by her aid and comfort to those who even today suffer because of the torture inflicted by the enemy brought on by her dealing with the enemy; and

**WHEREAS**, Jane Fonda has not proven by her actions or public statements a sincere apology for her actions and she continues to say that she is not proud of The United States of America; and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, reaffirms our opposition to accepting Jane Fonda’s apology until she proves by her actions in a show of good faith by her aid and comfort to those who even today suffer because of the torture inflicted by the enemy brought on by her dealing with the enemy; and, be further

**RESOLVED**, That The American Legion Department of Ohio is opposed to Jane Fonda being a speaker at the Kent State’s May 4<sup>th</sup> 50<sup>th</sup> Commemoration and that this resolution be sent to the Kent State Advisory Committee; and, be it finally

**RESOLVED**, That The American Legion Department of Ohio is opposed to Jane Fonda being a speaker, presenter, or recipient of awards or distinguished honors presented at or by any public institutions within the State of Ohio.

Origin: Department National Security Committee

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-12

SUBJECT: To Require Ohio State Burgee on Legion Uniform Caps

REFERRED TO COMMITTEE ON: Department Executive Committee

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**WHEREAS**, The membership of The American Legion Department of Ohio orders their Legion uniform caps from The American Legion Flag and Emblem Sales; and

**WHEREAS**, There are forty-four Departments of The American Legion which require their members to have their state flag or related icon on the front of their Legion caps, The American Legion Department of Ohio does not require the Ohio Burgee on the Legion uniform cap; and

**WHEREAS**, There is an inconsistency among the membership of The American Legion Department of Ohio, some members' Legion uniform caps display the Ohio Burgee while other members' Legion uniform caps do not display the Ohio Burgee; and

**WHEREAS**, By displaying the Ohio Burgee in a constant and correct manner, The American Legion Department of Ohio members will all show pride and unity; and

**WHEREAS**, The American Legion Flag and Emblem Sales requires a resolution from the respective Department that mandates Legion uniform caps to have the Ohio Burgee embordered for its members; and

**WHEREAS**, The American Legion Flag and Emblem Sales states that such a mandate will cause an estimated \$3 to \$7 additional cost per Legion uniform cap; and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, That The American Legion Department of Ohio will require all Legion uniform caps that are ordered by an American Legion Post, County Council, District, and The Department of Ohio shall have affixed to the front crease the Ohio Burgee Pennant; and, be it finally

**RESOLVED**, That The American Legion Department of Ohio sends a copy of this Resolution to The American Legion National Flag and Emblem Sales.

Origin: Joe Barr Post 194  
Submitted By: 4th District

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio**

**Department Executive Committee**

**4 April 2020**

RESOLUTION NO. 20-13

SUBJECT: Support for the 2026 National Convention to be held in Columbus, Ohio

REFERRED TO COMMITTEE ON: Department Executive Committee

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**WHEREAS**, Emerging from the battlefields of World War One, The American Legion was fashioned by the foresight and experience of military veterans and forged by the determination of its membership in the early years to become the largest veterans service organization in the nation today; and

**WHEREAS**, On November 10-12. 1919, the first National Convention of The American Legion was held at Minneapolis, Minnesota, and from which came a permanent constitution, a slate of elected officers to head the organization, and the principles that would define it work; and

**WHEREAS**, the last National Convention held in the state of Ohio was in 2016; and

**WHEREAS**, The American Legion Department of Ohio is able and willing to support a National Convention through voluntary services and a financial reserve account as stipulated by the National Headquarters of The American Legion; and

**WHEREAS**, Columbus, Ohio is able and willing to host the National convention in 2026; now therefore be it

**RESOLVED, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, That The American Legion Department of Ohio agrees to support the National Convention to be held in Columbus, Ohio in the year 2026.**

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-14

SUBJECT: To Remove "Article X: Standing Committees" from the Department Constitution

REFERRED TO COMMITTEE ON: Department Executive Committee

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**WHEREAS**, The American Legion Department of Ohio historically operates in a manner of best practice, regarding matters of standing committees, that is inconsistent with its' current Constitution; and

**WHEREAS**, The Department Constitution, approved at the 2019 Department Convention, specifically, Article X: Standing Committees, list Finance, Veterans Affairs & Rehabilitation, Publication Board, and Scholarship Screening Committees as the only committees with constitutional authority; and

**WHEREAS**, At the beginning of each year, Districts of The American Legion Department of Ohio appoint members to more than fifteen Department Committees with at least six of these being referred to as "Standing Committees" which, includes more than the Committees listed within the Department Constitution "Article X: Standing Committees"; and

**WHEREAS**, The American Legion national organization has an "Outline of Authorization" which defines its membership and purposes for Commissions and Committees as outlined in the National By-Laws, Article I, Section Four and Six; and

**WHEREAS**, The American Legion Department of Ohio currently lacks authority for the majority of its' committees and commissions within its governing documents; and

**WHEREAS**, The Department Executive Committee, with the Department Finance Committee, and the Department Adjutant, need to be able to budget and give guidance to those volunteering and operating programs that are germane to specific committees and commissions; and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, That The American Legion Department of Ohio will remove "Article X: Standing Committees" from the Department Constitution; and, be it further

**RESOLVED**, That The American Legion Department of Ohio, Department Constitution, shall now have fourteen Articles which are titled as follows:

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-14

SUBJECT: To Remove "Article X: Standing Committees" from the Department Constitution

REFERRED TO COMMITTEE ON: Department Executive Committee

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**CONSTITUTION**

**PREAMBLE**

**ARTICLE I: NAME**

**ARTICLE II: OBJECTS**

**ARTICLE III: MEMBERSHIP**

**ARTICLE IV: NATURE**

**ARTICLE V: ADMINISTRATIVE**

**ARTICLE VI: DEPARTMENT OFFICERS**

**ARTICLE VII: DEPARTMENT EXECUTIVE COMMITTEE**

**ARTICLE VIII: THE DISTRICTS**

**ARTICLE IX: COUNTY ORGANIZATIONS**

**ARTICLE X: POST**

**ARTICLE XI: DUES**

**ARTICLE XII: AUXILIARIES**

**ARTICLE XIII: RULES**

**ARTICLE XIV: AMENDMENTS**

and, be it further

**RESOLVED, The The American Legion Department of Ohio list the operating Committees and Commissions within the Department By-Laws, of which its duties are also expanded upon, in a new Article, and, be it further**

**RESOLVED, That the details of the Commissions and Committees shall be held within a Department Operating Manual, with authority to amend at any time through a resolution process to be granted to the Department Executive Committee; and, now, be it finally**

**RESOLVED, That the Department Operating Manual be created through a separate resolution.**

Origin: Department Finance Committee

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Signature of Chairman or Secretary \_\_\_\_\_

**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-15

SUBJECT: To amend the Department By-Laws to add Article III: Standing Commissions and to add Article IV: Duties of Commissions

REFERRED TO COMMITTEE ON: Department Executive Committee

**WHEREAS**, The American Legion Department of Ohio is operating in a manner of best practice regarding its' Department Committees and Commissions that is inconsistent with its' current Constitution and By-Laws; and

**WHEREAS**, Each year, the Department hosts "Standing Committees" titled, "Veterans Affairs and Rehabilitation", "Americanism", "National Security", "Children and Youth", and "Post Activities"; and

**WHEREAS**, Membership, Internal Affairs, Conventions, and Legislation, are all vital parts to the mission of The American Legion Department of Ohio, yet they are not clearly defined within the Constitution or the By-Laws of the organization as a "Standing Committee or Commission"; and

**WHEREAS**, In a separate resolution, a change was proposed and adopted to remove "Article X: Standing Committees" from the Department Constitution; and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, amends the Department By-Laws to reflect eleven Department Commissions which shall be Americanism, Children and Youth, Convention, Finance, Internal Affairs, Legislative, Media, Marketing, and Communications, Membership and Post Activities, National Security, Veterans Affairs and Rehabilitation, and Scholarship; and be it further

**RESOLVED**, That The American Legion Department of Ohio amends the Department By-Laws to add "Article III: Standing Commissions", which will include a brief description Department Commissions, how the members shall be appointed to, the selection of a Department Chairperson for each Commission, as well as, naming each commission, which shall read as follows:

**ARTICLE III: STANDING COMMISSIONS**

**Section 1.** The American Legion Department of Ohio, Inc, shall have eleven (11) Standing Commissions which shall carry out its mission as a whole or, as a committee or sub-committee of said commission, determinant upon its authorized Rules of Commission, adopted each year by the Department Executive Committee. The details of all commissions shall be provided within the Finance Operations and Procedures Manual.

**Section 2.** The Members of the Commission shall be appointed by each District annually, excluding the Department Finance, Department Convention, and Department Internal Affairs Commissions, which shall be appointed by the Department Commander each year.

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-15

SUBJECT: To amend the Department By-Laws to add Article III: Standing Commissions and to add Article IV: Duties of Commissions

REFERRED TO COMMITTEE ON: Department Executive Committee

**Section 3. The Department Commander shall, at the beginning of taking office each year, appoint Commission Chairpersons, and any other appointments, required for each Commission to carry out its duties. The Department Commander may also appoint one Department Executive Committee Member to each Commission as an ex-officio member whom may abstain from voting.**

**Section 4. The Department Standing Commissions are: Americanism, Children & Youth, Convention, Finance, Internal Affairs, Legislative, Media/Marketing & Communications, Membership & Post Activities, National Security, Veterans Affairs & Rehabilitation, and Scholarship.;**

and, be it further

**RESOLVED, That The American Legion Department of Ohio further amend the Department By-Laws of 2019 to include “Article IV: Duties of Commissions” which shall then briefly detail the duties of each commission and shall read:**

**ARTICLE IV: DUTIES OF COMMISSIONS**

**Section 1. Americanism Commission. The Americanism Commission shall be responsible for the programs carried out by the Commission and staff of Department Headquarters such as; Baseball, Buckeye Boys State, Citizens Flag Alliance, Scouting, Religious Emphasis, Four Chaplains, Oratorical, Youth Cadet Law Enforcement, and any other such programs as may be incidental to the Americanism Commission, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.**

**Section 2. Children & Youth Commission. The Children & Youth Commission shall be responsible for the programs carried out by the Commission and staff of Department Headquarters such as; Child Welfare Foundation, Special Olympics, Temporary Financial Assistance, National Family Week, Veterans and Children Foundation, Drug and Suicide Education and Prevention, and any other such programs as may be incidental to the Children & Youth Commission, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.**

**Section 3. Convention Commission. The Convention Commission shall be responsible for carrying out the duties of securing Department Convention sites and if the Department is selected as a host site for National Convention, they shall at that time assist in its success. The Convention Commission shall act within the guidelines of the Convention Corporation Code of Regulations, updated September 2019, authorized by the Department Internal Affairs and Finance Commissions with the Executive Committee having final authority.**

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-15

SUBJECT: To amend the Department By-Laws to add Article III: Standing Commissions and to add Article IV: Duties of Commissions

REFERRED TO COMMITTEE ON: Department Executive Committee

**Section 4. Finance Commission. The Finance Commission shall be responsible for the proper oversight of the Department monies and investments and shall fix, budget, and audit all expenditures and disbursements of the Department. They shall be tasked with carrying out the duties of the Department Finance Policies and other duties assigned to it, and authorized by, the Department Executive Committee, as may be incidental to the financial health and wealth of the Department. The Department Executive Committee may over-rule the Department Finance Commission by a two-thirds vote.**

**Section 5. Internal Affairs Commission. The Internal Affairs Commission shall be responsible for the proper oversight of American Legion Riders, Sons of The American Legion, Buckeye American Legion College, Resolutions, Constitution & By-Laws, Trophies and Awards, Commanders Advisory Team, Department Operations, and any other duties as may be incidental to the scope of Internal Affairs, authorized by the Department Finance Commission and Executive Committee.**

**Section 5a. The Department Adjutant shall serve as Secretary and advisor to this commission with voice and no-vote.**

**Section 6. Legislative Commission. The Legislative Commission shall be responsible for all legislative matters at both state and federal government germane to the mission of The American Legion and The American Legion family. They shall be responsible for encouraging Legionnaires from Posts within their Districts to liaison state and federal legislative offices. They shall also carry out the duties of selecting recipients for Department and National recognition, working with the Ohio General Assembly and local Congressional Offices. The authority of this commission shall be given to it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.**

**Section 7. Media, Marketing, and Communications Commission. The Media, Marketing, and Communications Commission shall be responsible for advancing the internal and external messages within the Department publications, public relations, digital, and print media. This commission shall create awareness of the entire American Legion Family, consisting of the Sons of American Legion, American Legion Riders, American Legion Auxiliary, and any subsidiary corporation bearing the name of The American Legion and shall consists of a representative of each of The American Legion Family programs of American Legion Auxiliary, Sons of The American Legion, and American Legion Riders, if available. The authority of this commission shall be given it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.**

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-15

SUBJECT: To amend the Department By-Laws to add Article III: Standing Commissions and to add Article IV: Duties of Commissions

REFERRED TO COMMITTEE ON: Department Executive Committee

**Section 8. Membership & Post Activities Commission.** The Membership & Post Activities Commission shall consist of the Department First and Second Vice Commanders and District Commanders. The Department First Vice Commander shall serve as Chair and Department Second Vice Commander as Vice Chair. They shall meet at the beginning of each membership year, fourteen days upon the close of Department Convention, to strategize and plan membership and post activities. The authority of this commission shall be given it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

**Section 9. National Security Commission.** The National Security Commission shall be responsible for carrying out the duties of Law & Order, POW/MIA, National Emergency Fund, Disaster Preparedness, relationships with all branches of active duty-military and National Guard/Reserve Forces in Ohio, immigration, matters relating to the Blood Donor Program, and any other such duties incidental to the scope of National Security, authorized by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority

**Section 10. Veterans Affairs & Rehabilitation Commission.** The Veterans Affairs & Rehabilitation Commission shall be responsible for the oversight of programs and fostering of relationships with entities regarding Gifts For Yanks, System Worth Saving, PTSD and suicide awareness, Department Service Officers and Field Offices, Ohio Veterans Homes, Department of Veterans Affairs, employment and education, and any other such matters concerning Veterans Affairs & Rehabilitation. The authority of this commission shall be given to it by the Department Internal Affairs and Finance Commissions, with the Department Executive Committee having final authority.

**Section 11. Scholarship Commission.** The Scholarship Commission shall consist of the Department Commander, First Vice Commander, Second Vice Commander, Department Treasurer, Immediate Past Department Commander, Department Adjutant, Chairperson of the Americanism Commission, Chairperson of the Children & Youth Commission, any other Commission Chairman appointed by the Department Commander, and three members also appointed by the Department Commander. The Scholarship Commission shall meet annually (spring) to determine the recipients of the Department Scholarships granted.

**Section 11a.** The Scholarship Commission shall screen applicants to be awarded scholarships as outlined in the "Scholarship Screening Policies" in the Department Finance and Operations Policy/Manual.

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Other Action  
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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio**

**Department Executive Committee**

**4 April 2020**

RESOLUTION NO. 20-15

SUBJECT: To amend the Department By-Laws to add Article III: Standing Commissions and to add Article IV: Duties of Commissions

REFERRED TO COMMITTEE ON: Department Executive Committee

**Section 11b. The scholarship investment portfolio consists of a principle balance of \$400,000 that shall remain invested from the original donor, the Durward I. Bernhard Estate. The interest income and growth of the scholarship investment portfolio shall be set aside to aide qualified students in attending colleges, universities, vocational schools, and other institutions of higher learning. The investment income shall be used to pay for scholarship grants, necessary costs incurred in managing, investing, and administering the fund, and for no other purpose.**

**Section 11c. To uphold and honor the original donor request, there is hereby created a special annual scholarship in the amount of not less than \$1,000 to be known as the "Durward I. Bernhard Scholarship". Recipients of the "Durward I. Bernhard Scholarship", in addition to meeting all the other criteria for eligibility, shall be a bona fide resident of Belmont County, Ohio. If there is no qualified applicant for the "Durward I. Bernhard Scholarship" in any year, no "Durward I. Bernhard Scholarship" is awarded. The Scholarship Screening Committee may recommend use of the fund to award a scholarship grant to other qualified recipients.**

**Section 11d. All funds transferred to or received by gift, bequest or otherwise received by The American Legion, Department of Ohio Scholarship Fund shall be held by The American Legion, Department of Ohio and invested by the Department Finance Commission and its Executive Committee. Any income not disbursed in any year shall be set aside in an undisbursed income fund and shall be available for disbursement in future years when needed. No part of such funds shall be co-mingled with any other funds whatsoever and no part of such funds shall ever be transferred to or loaned to the Department of Ohio General fund or any other Department of Ohio activity, loaned to any individual or used for any purpose whatsoever other than the awarding of scholarships to eligible individuals.**

**Section 11e. In the event that The American Legion, Department of Ohio should cease to exist, the Attorney General of the State of Ohio shall take possession of such funds and distribute them to the various scholarship funds of the trade schools, colleges, and universities operated by the State of Ohio, in such proportions as the Attorney General may deem equitable. (Amended 99th Department Convention, 2017);**

**and, be it further**

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-15

SUBJECT: To amend the Department By-Laws to add Article III: Standing Commissions and to add Article IV: Duties of Commissions

REFERRED TO COMMITTEE ON: Department Executive Committee

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**RESOLVED, That the subsequent articles within the by-laws be renumbered to read as follows:**

**BY-LAWS**

**ARTICLE I: EXECUTIVE COMMITTEE**

**ARTICLE II: DUTIES OF OFFICERS**

**ARTICLE III: STANDING COMMISSIONS**

**ARTICLE IV: DUTIES OF COMMISSIONS**

**ARTICLE V: DISCIPLINE**

**ARTICLE VI: MONIES AND COLLECTIONS**

**ARTICLE VII: AMENDMENTS;**

**and, be it finally**

**RESOLVED, That The American Legion Department of Ohio implement these changes to the Department Operations so that all commissions are reflected within the 2021-2022 membership year.**

Origin: Department Finance Committee

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This is to certify that this resolution was presented before the 2019-2020 Department Executive Committee with the following action:

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**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-16

SUBJECT: To Create a Department Finance and Operations Policy and Procedures Manual

REFERRED TO COMMITTEE ON: Department Executive Committee

**WHEREAS**, The American Legion Department of Ohio, Inc., has operated historically without any written policies or documents outside of the Department Constitution & By-Laws which includes an unofficial 2016 version of an “Employee Manual”; and

**WHEREAS**, The American Legion Department of Ohio, Inc., has experienced a high turn-over rate of employees since 2013; and

**WHEREAS**, The American Legion Department of Ohio, Inc., lacks a documented resource of policies and procedures, which creates inefficiencies within the Department due to new processes consistently being established; and

**WHEREAS**, The current staff of The American Legion Department of Ohio is highly skilled and committed to the mission of the organization of which they display consistently through teamwork, idea sharing, trouble-shooting, camaraderie, loyalty, and sense of purpose; and, now, therefore, be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, That The American Legion Department of Ohio authorize a “Department Finance Policies and Operations/Procedures Manual” that shall serve as a reference for staff members resulting in an overall efficiency to the operations of Department Headquarters; and, be it further

**RESOLVED**, That the current “Employee Manual” and all historical and amended versions of any Department Employee Manual be rescinded immediately, provided that no benefits owed to any person based on previous agreements be breached; and, be it further

**RESOLVED**, That the Department Finance Policies and Operations/Procedures Manual shall be reviewed each year by the Internal Affairs and Finance Commissions, with recommendations from the Department Adjutant, that any changes or amendments be approved by the Department Executive Committee at any meeting thereof; and, be it further

**RESOLVED**, That the Department Finance Policies and Operations/Procedures Manual shall also be reviewed annually by a licensed practicing attorney who shall ensure the legality of said manual for the protection of the staff, Officers, and Department; and, be it finally

**RESOLVED**, That each year a copy of this manual shall be signed for and provided to every employee for reference and suggestion for amendment, to include, an electronic copy to the Department Executive Committee, Department Judge Advocate, any licensed practicing attorney of record on behalf of the Department, with a final copy to the paid auditors of the Department books and records.

Origin: Department Finance Committee

This is to certify that this resolution was presented before the 2019-2020 Department Executive Committee with the following action:

Approved \_\_\_\_\_ Approved with Amendment \_\_\_\_\_ Rejected \_\_\_\_\_ Received and Recorded \_\_\_\_\_ Consolidated with  
Referred to Standing Commission or Committee on \_\_\_\_\_  
Other Action \_\_\_\_\_  
Signature of Chairman or Secretary \_\_\_\_\_

**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-17

SUBJECT: To Change the Department Fiscal Year to 1 July to 30 June

REFERRED TO COMMITTEE ON: Department Executive Committee

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**WHEREAS**, The American Legion accounting process for membership is a very complicated financial system; and

**WHEREAS**, The American Legion drives membership six-months in advance of the calendar year, beginning 1 July, each year; and

**WHEREAS**, The American Legion Department of Ohio begins to receive membership as early as July for a fiscal year that does not go into effect until 1 August which causes undue auditing and accounting problems; and

**WHEREAS**, The American Legion Department of Ohio receives the bulk of its revenue from July through to December each year; and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, That The American Legion Department of Ohio change its Fiscal Year from 1 August to 31 July to now be 1 July to 30 June beginning 1 July 2020.

Origin: Department Finance Committee

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This is to certify that this resolution was presented before the 2019-2020 Department Executive Committee with the following action:

Approved      Approved with Amendment      Rejected      Received and Recorded      Consolidated with  
Referred to Standing Commission or Committee on  
Other Action  
Signature of Chairman or Secretary \_\_\_\_\_

**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-18

SUBJECT: To amend Department By-Laws Article IV: Discipline

REFERRED TO COMMITTEE ON: Department Executive Committee

**WHEREAS**, Section 1, Article IV of the By-Laws of the American Legion, provides that “Each Post of the American Legion shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws”; and

**WHEREAS**, Section 2, Article IV of the By-Laws of the American Legion, as amended in 2019, provides that “A post may expel or suspend a member from the American Legion only after providing the member due process and a proper showing of cause. Charges shall be based on disloyalty, neglect of duty, dishonesty, and/or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post or Department in such manner and form as the Post or Department By-Laws and Post or Department Executive Committee shall prescribe”; and

**WHEREAS**, The American Legion Department of Ohio has, in Section 2, Article IV of the By-Laws of said Department, provided procedures for the conduct of disciplinary proceedings which includes procedures for conducting trials of members and/or officers of the American Legion charged with misconduct as set forth in the National American Legion By-Laws; and

**WHEREAS**, The Department Executive Committee finds that said provisions do not provide adequate due process for members or officers charged with misconduct, as required by the amended national By-Laws; and

**WHEREAS**, The Department Executive Committee finds that, in order to provide a uniform procedure throughout the Department of Ohio that provides adequate due process and fair trials for members and/ or officers charged with misconduct, it is necessary that Article IV of the By-Laws of the Department of Ohio be amended to provide said Executive Committee with Authority to promulgate a “Uniform Code of Procedure for Disciplinary Actions”, as further authorized by the National American Legion By-Laws; and

**WHEREAS**, The Department Executive Committee is currently considering other amendments to the Department By-Laws which may cause “Article IV: Discipline” to be renumber to “Article V: Discipline”; and, now, therefore be it

**RESOLVED**, By The American Legion Department of Ohio, at the Department Executive Committee Meeting in conference call session on April 4<sup>th</sup>, 2020, amends the Department By-Laws Article IV to state the following:

**ARTICLE IV: DISCIPLINE**

**Section 1. Each Post of The American Legion, Department of Ohio, shall be the judge of its own membership, subject to the restrictions of the National American Legion Constitution and By-Laws and the Department of Ohio Constitution and By-Laws, except that no person, who is a member of an**

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Referred to Standing Commission or Committee on \_\_\_\_\_  
Other Action \_\_\_\_\_  
Signature of Chairman or Secretary \_\_\_\_\_

**PENDING DEPARTMENT EXECUTIVE COMMITTEE RECOMMENDATION**

**RESOLUTION**

**The American Legion, Department of Ohio  
Department Executive Committee  
4 April 2020**

RESOLUTION NO. 20-18

SUBJECT: To amend Department By-Laws Article IV: Discipline

REFERRED TO COMMITTEE ON: Department Executive Committee

**organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.**

**Section 2. Members may be reprimanded, suspended, or expelled from The American Legion, and officers may be reprimanded, removed from office, suspended or expelled from membership only upon providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty, and conduct unbecoming a member or officer of The American Legion. All charges must be made under oath in writing by an accuser, and no member in good standing shall be reprimanded, suspended, or expelled, nor shall any officer be reprimanded or removed from office, suspended or expelled, until given a fair trial in such manner and form as the Department Executive Committee shall prescribe in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial board verdict shall be announced at the next regular meeting of the post membership, whereupon the membership may affirm, modify or reverse the findings and sentence of the trial board. If the Post suspends or expels the accused, or removes the accused from office, the accused person may appeal such decision to the Department Executive Committee. Said appeal must be filed with the Department Adjutant within thirty (30) days of the decision of the post membership on the trial verdict. The Department Executive Committee shall hear the appeal, with the Department Judge Advocate presiding, and determine the issue at its meeting next following the action of the Post. The Department Executive Committee shall conduct its hearings upon the transcribed testimony heard by the trial board, or oral testimony, or both. The decision of the Department Executive Committee shall be final, if appeal to it be made; otherwise the decision of the Post shall be final. The Post Executive Committee shall appoint a member or members of the Post or may retain counsel to prosecute the charges and the disciplined member may be represented by person or by counsel of their own choosing.**

**Section 3. Procedure as to removal from officer of County, District and Department Officers. Charges shall be filed in writing, under oath, with the Department Adjutant. The Department Executive Committee shall appoint a trial board and the matter shall proceed to trial in substantially the same form and manner as set forth in the Department of Ohio Uniform Code for the Conduct of Disciplinary Proceedings. The trial verdict shall then be presented to the Department Executive Committee for affirmation, modification or reversal. The decision of the Department Executive Committee shall be final. Nothing herein shall deprive the accused persons' post of jurisdiction to hear and determine charges against any of its members. Insofar as it may relate to expulsion or suspension of membership of removal from post office.**

Origin: Department Judge Advocate

This is to certify that this resolution was presented before the 2019-2020 Department Executive Committee with the following action:

Approved      Approved with Amendment      Rejected      Received and Recorded      Consolidated with  
Referred to Standing Commission or Committee on  
Other Action  
Signature of Chairman or Secretary \_\_\_\_\_