

DISABLED **A**MERICAN **V**ETERANS
STATE **D**EPARTMENT OF **M**ICHIGAN

CONSTITUTION AND **B**YLAWS

As amended by the
Sault Ste. Marie State Convention
June 5, 6 and 7, 2009

APPROVED BY STATE JUDGE ADVOCATE

Ronald R. Schrieber

7/14/09

APPROVED BY NATIONAL JUDGE ADVOCATE

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I CERTIFY that the within constitution
and/or by-laws does not conflict with
those of the National Organization,
and to that extent, is approved.

DATE:

7-27-09

DAV National Judge Advocate

STATE DEPARTMENT CONSTITUTION AND BYLAWS

DISABLED AMERICAN VETERANS - DEPARTMENT OF MICHIGAN

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CONSTITUTION

DISABLED AMERICAN VETERANS, DEPARTMENT OF MICHIGAN

ARTICLE I - NAME

The name of this organization shall be "Disabled American Veterans, Department of Michigan."

ARTICLE II - PURPOSE

To uphold and maintain the Constitution and laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured and disabled American veterans; to cooperate with the United States Department of Veterans Affairs and all other public and private agencies devoted to the cause of improving the condition, health and interests of all wounded, gassed, injured and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, injured and disabled veterans, to serve our comrades, our communities and our Country; and to encourage in all people that spirit of understanding which will guard against future wars.

ARTICLE III - MEMBERSHIP

3.1 Eligibility

Any man or woman, who was wounded, gassed, injured or disabled in the line of duty during time of war, while in the services of either the military or naval forces of the United States of America, and who has been honorably discharged or separated from such service, or who may still be in active service in the armed forces of the United States of America is eligible for membership in the Disabled American Veterans. Others, who were disabled while serving with any Armed Forces of any nation associated with the United States of America as allies during any of its war periods, who are American citizens and who are honorably discharged, are also eligible.

3.2 Classifications

There shall be no form or class of membership, except as herein specified. The Disabled American Veterans shall not have honorary members.

3.3 Certificates of Merit

The National Commander, on recommendation of a Chapter or State Department, may issue a Certificate of Merit for outstanding service to the DAV.

ARTICLE IV - ORGANIZATION

4.1 National Orientation

This Department and all members and units thereof shall be part of the national organization of the Disabled American Veterans.

4.2 Administrative Divisions

This Department shall be divided into Zones and Chapters for the purpose of administration and cooperation.

4.3 Elected Offices

Each State Convention shall elect a State Commander, a State Senior Vice Commander, a State 1st Junior Vice Commander, a State 2nd Junior Vice Commander, a State 3rd Junior Vice Commander, and a State Chaplain.

4.3a There shall be one Vice Commander elected from each Zone.

4.3b No two Vice Commanders may be elected from the same Zone.

4.3c No State officer may hold more than one elective office at the same time.

4.3d The State Adjutant and the State Treasurer may not hold an elective state office.

4.3e Any officer of the Department of Michigan holding an elected State office who is elected to another State office, must submit a written resignation before acceptance of the newly elected State office.

4.3f No person shall be elected to more than one term as State Commander. In the event of a vacancy of the office of State Commander, a person may serve the unexpired term of office and remain eligible for election to one term as State Commander.

4.4 Executive Committee

There shall be a State Executive Committee to be composed of the State Commander, the immediate Past State Commander, the State Vice Commanders, the Chairman of the State Administrative Board, the State Judge Advocate, the State Treasurer and one Executive Committee member from each Chapter in good standing.

4.5 Administrative Board

4.5a There shall be a State Administrative Board composed of twelve (12) members elected by the State Convention to serve three year terms, the State Commander, and the immediate Past State Commander. The State Vice Commanders, the State Treasurer, and the State Judge Advocate shall serve as ex-officio members with voice, but no vote.

4.5b There shall be no less than two elected members nor more than four elected members from each Zone.

4.5c Each Zone shall determine at the State Convention in Zone caucus, by the number of endorsed candidates, the number of State Administrative Board members from that Zone. The State Convention shall not be bound to elect a particular candidate endorsed by a Zone.

4.5d The State Commander, with the approval of the Executive Committee, shall fill all vacancies occurring on the Administrative Board, by appointment within thirty (30) days of the vacancies' occurrence.

4.5e The State Commander shall appoint a member from the Zone in which the vacancy occurs. The appointee shall serve until a successor is elected at the next State Convention to serve the unexpired term.

4.6 Department Newspaper Committee

There shall be a Department Newspaper Committee consisting of the State Commander, and three members appointed by the State Commander.

ARTICLE V - ADMINISTRATION

The administrative affairs of this organization shall be vested in the State Executive Committee.

ARTICLE VI - EXECUTIVE POWERS

The executive powers of this organization shall be vested in the State Commander.

ARTICLE VII - POWERS AND DUTIES OF THE DEPARTMENT

7.1 Supreme Powers

The Supreme powers, the powers to determine and revise policies and direction of the organization shall be vested in the State Convention to be held once each year and to be composed of the State Officers, duly authorized Executive Committee members and duly authorized Chapter delegates.

7.2 Department Headquarters

The Department shall establish in such a manner as shall be determined by the State Convention, the place of locating its headquarters. There shall be only one Department Headquarters.

7.3 National Mandates

This Department shall be subject to mandates of the National organization pertaining to State Departments.

7.4 National Constitution and Bylaws

This Constitution and subsequent Bylaws shall in no way conflict with the Constitution and Bylaws of the National organization.

ARTICLE VIII - AUXILIARIES

This organization recognizes a DAV Auxiliary (DAVA) and the National Order of Trench Rats (NOTR) as auxiliary units of this organization.

ARTICLE IX - AMENDMENTS

9.1 Resolutions proposing to amend the State Department Constitution must be submitted no later than fourteen (14) days prior to the first business session of the State convention.

9.2 This Constitution may be amended at any State Convention by three-fourths (3/4) of the authorized votes cast.

BYLAWS

DISABLED AMERICAN VETERANS, DEPARTMENT OF MICHIGAN

ARTICLE 1 - ORGANIZATION

1.1 Governing Bodies

The governing bodies of this organization shall be the State Convention, the State Executive Committee, and the chapters within the rights and privileges granted by the National organization.

1.2 Allegiance

This Department recognizes the national organization known as the Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance and subordination to the national organization, its Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Department, the assets remaining after payment of its debts shall be distributed as provided in Article 6, Section 6.4, paragraph 5 of the National Bylaws.

1.3 Record Keeping

Each governing body shall keep records of its proceedings, which shall be open for inspection by any recognized officer of the National organization, the Department of Michigan, or Chapter in the Department of Michigan.

1.4 Procedures

All matters of procedure not otherwise provided for in the Constitution and Bylaws of the Department of Michigan, or in the Constitution and Bylaws of the National organization shall be governed by Robert's Rules of Order, Revised.

ARTICLE 2 - POLICY

This organization shall be non-political and non-sectarian and the name of this organization or name of any unit thereof shall not be Used in representing the desires or wishes of its membership in any political, sectarian or labor dispute, except as herein provided or as provided in the Bylaws of the National organization. Provided, however, that the foregoing shall not prevent this organization or any unit thereof from participating in political issues which have a direct bearing upon the welfare of America's disabled veterans.

ARTICLE 3 - MEMBERSHIP

3.1 Rules

Membership rules of the Department of Michigan shall be the same as prescribed in the National organization's Constitution and Bylaws.

3.2 Membership Transfer

Members of one chapter may secure a transfer of membership to another chapter, with the approval of the receiving chapter. Upon notification the National organization will notify all chapters concerned. No transfer shall take effect as to dues credit or voting strength until the beginning of the fiscal year following the completion of the transfer.

3.3 Solicitations

No member shall solicit funds or offer for sale any form or kind of merchandise in the name of the organization or while wearing any portion of the DAV uniform, except in accordance with the National organization's Constitution and Bylaws.

ARTICLE 4 - CHAPTERS

4.1a Granting of Charters

Charters are granted to the chapters by the National Executive Committee in accordance with Article VI of the National organization's Bylaws.

4.1b Application for Charters

Application for charters shall be submitted to the Department of Michigan headquarters to be forwarded by the State Commander to the National Executive Committee for approval.

4.1c Charter Revocation

Charters may be revoked by the State Executive Committee with the approval of the National Executive Committee or otherwise in accordance with the National organization's Bylaws. Members in good standing of a Chapter having had its charter revoked may transfer to another Chapter.

4.2 Chapter Officers

Each Chapter shall elect a Commander, a Senior Vice Commander, a Junior Vice Commander; shall elect or appoint an Adjutant, a Treasurer, a Chaplain, an Executive Committee member; and may elect or appoint such officers as may be necessary to operate the Chapter.

4.2a Chapter officers shall be elected annually during the months of April, May or June.

4.2b Chapter officers shall be administered the "oath of office" prior to July 1st. Each chapter shall submit an "officer certification form," certifying that the officers have been duly elected/appointed and that they have taken the "oath of office." This form shall be obtained from Department headquarters and shall be signed by the officer administering the oath of office and forwarded to Department headquarters within 10 days after installation.

4.3 Ruling of the Chapter Commander

The ruling of the Chapter Commander is final and binding upon the Chapter unless the decision is overruled by the Chapter or upon successful appeal to the State Executive Committee.

4.4 Executive Committee Member

4.4a Each Chapter shall, under its own rules and regulations, select its State Executive Committee member and his/her alternate and shall certify their names to the State Adjutant not less than twenty (20) days prior to the convening of the annual State Convention.

4.4b The Chapter's State Executive Committee member shall serve a term starting at the post State Convention Executive Committee meeting and ending at the close of the following annual State Convention.

4.4c In the event of a vacancy of office of the Chapter's State Executive Committee member, the Chapter shall fill such vacancy in accordance to the Chapter rules.

4.5 Chapter Convention Delegates

4.5 Each Chapter shall, under its own rules, select one delegate and one delegate alternate for its charter and one delegate and one delegate alternate for each twenty-five (25) members or major fraction thereof, to represent the Chapter at the State Convention, at least twenty days prior to the opening of the convention and certify these delegates to the State Adjutant prior to the opening of the convention on forms to be provided by Department headquarters.

4.6 Chapter Constitution, Bylaws and Rules

4.6 Each Chapter shall adopt its own Constitution, Bylaws and rules; provided that such Constitution, Bylaws and rules do not conflict with those of the Department of Michigan or with those of the National organization. Chapter Constitution, Bylaws and rules shall be approved by the State Judge Advocate and the National Judge Advocate.

4.7 Chapter Quorums

4.7 Chapters may set their own rules concerning which constitutes a quorum. Department records indicate most chapters consider 6 members present with at least 2 being chapter appointed or elected officers, constitutes a quorum.

4.8 Chapter Records

4.8a Each Chapter shall keep a complete financial record of all monies received, expended and remitted.

4.8b The Chapter Treasurer shall be responsible for all chapter funds, which must be deposited in a credible financial institution designed for safekeeping of funds (bank) in the name of the chapter.

4.8c All Chapter funds must include bingo accounts, C.D.'s, building funds, memorial home funds, etc. The chairmen of these accounts (funds) shall submit a monthly report to the Chapter Treasurer who shall include these, and all funds, in a report at every Chapter meeting.

4.8d All accounts must be audited annually by the Chapter's auditing committee, which cannot include the commander or treasurer.

4.8e All bank accounts shall include the name of the Treasurer on the account, with the names of at least 2 other chapter officers.

4.8f The accounting period/year of all Chapters within the Department of Michigan shall be July 1st through June 30th.

4.8g Each Chapter shall have an accounting made and shall submit a report annually to the National and Department organizations within 90 days after the close of the accounting year of the Chapter in accordance with Article IX, Section 9.3 of the National organization's Bylaws.

4.8h Members in good standing of a Chapter may inspect the records of their chapter in the presence of a chapter officer.

ARTICLE 5 - ZONES

5.1 Geographical Description

This Department shall be divided into four Zones as follows:

Zone I: That portion of the eastern part of the state between Saginaw Bay and the southern state line following the western boundaries of Tuscola, Lapeer, Oakland, Wayne and Monroe counties.

Zone II: That portion of the southern part of the state west of Zone I between the southern state line and the northern boundaries of Ottawa, Kent, Ionia, Clinton, Shiawassee and Genesee counties.

Zone III: The balance of the lower peninsula.

Zone IV: The upper peninsula.

5.2 Zone Constitution and Bylaws

Each Zone may adopt its own Constitution and Bylaws, provided that such Constitution and Bylaws do not conflict with those of the Department and National organizations. Zone Constitution and Bylaws shall be approved by the State Judge Advocate and the National Judge Advocate.

5.3 Zone Officers

Each Zone may elect a Senior Vice Commander, a Junior Vice Commander and elect or appoint such other officers as may be necessary to operate within their respective Zone. Such officers elected within their Zones shall not be construed to be Department officers.

5.4 Zone Meetings

5.4a There shall be at least one Zone Meeting held between State Conventions.

5.4b Zone Meeting registration fees shall not exceed \$8.00 per member. This registration fee shall be used to defray the hosting Chapter's expenses.

ARTICLE 6 - POWERS AND DUTIES OF THE STATE OFFICERS

6.1 Qualifications of Officers

Any person holding membership in this organization whose per capita tax has been duly received by the Department of Michigan and the National organization shall be eligible to any elective office in the Department of Michigan except as restricted in Article IV, Section 4.3 of the Department of Michigan Constitution.

6.2 Powers and Duties of the State Commander

6.2a The State Commander shall be the presiding officer at the State Convention.

6.2b The State Commander shall be the presiding officer of the State Executive Committee. At his or her discretion, one of the State Vice Commanders may be delegated to preside.

6.2c The State Commander shall have the right of prior approval of all publicity releases of the Department of Michigan.

6.2d The State Commander shall appoint a State Treasurer, a State Judge Advocate, an Officer-of-the-Day, a Sergeant-at-Arms and any such officers and committees as may be deemed necessary by the State Commander and as may be mandated by the State Convention, State Department Constitution or Bylaws. All appointed officers and Committee members must be members in good standing of the Department of Michigan during the term of appointment. All appointments made by the State Commander shall be subject to the approval of the State Executive Committee.

6.2e The State Commander shall appoint a State Inspector with the approval of the State Executive Committee. The Commander may, at his or her discretion and with the approval of the State Executive Committee, appoint the State Adjutant to fulfill the responsibilities of this office concurrently with the duties of the office of Adjutant.

6.2f The State Commander shall appoint with the approval of the State Executive Committee, an Interim Constitution and Bylaws Committee, composed of three members.

6.2g The State Commander shall appoint, with the approval of the State Executive Committee, an Interim General Resolutions Committee to be composed of three members.

6.2h The State Commander shall appoint, with the approval of the State Executive Committee, a State Interim Convention Committee, composed of six members to include the State Commander, the State Adjutant and each State Vice Commander.

6.2i The State Commander shall at his or her discretion, appoint and direct all personnel needed to help resolve disputes and/or problems between Chapters, within Chapters, or between Chapters and Auxiliary units or dugouts.

6.2j The State Commander may suspend, with cause, any non-paid appointee.

6.2k The State Commander may remove from office, any suspended non-paid appointee with the approval of the State Executive Committee.

6.2l The State Commander shall render decisions to settle disputes within the Department of Michigan. These decisions shall be subject to appeal to (in order) the State Executive Committee, the State Convention, the National Judge Advocate, the National Executive Committee, and the National Convention, provided written notice of intention to appeal is given to the Department of Michigan headquarters within 15 days of the State Commander's decision. In all cases, the decision of the National Convention shall be final.

6.2m The State Commander, or at the State Commander's discretion, a State Vice Commander, shall represent the Department of Michigan at the DAV National Convention.

6.3 Powers and Duties of the State Vice Commanders

6.3a The State Vice Commanders shall assist the State Commander in the performance of his or her duties on behalf of the Department of Michigan.

6.3b The State Vice Commanders shall promote the welfare of the DAV in their respective Zones under the direction of the State Commander.

6.3c Each State Vice Commander shall be the Commander of the Zone from which they are elected.

6.3d It shall be the duty of the State Vice Commanders to hold at least one meeting of representatives of their respective Zone between State Conventions.

6.3e Each State Vice Commander shall make a written report to the next State Convention of meetings held and the general condition as pertains to the DAV in their respective Zone.

6.3f The State Senior Vice Commander shall accompany the State Commander to the National Convention.

6.4 Duties of the State Chaplain

The duties of the State Chaplain shall be as prescribed in the National Bylaws and as directed by the State Convention.

6.5 Duties of the State Adjutant

6.5a The State Adjutant shall be a compensated member/employee of the Department of Michigan. He/she shall devote an average of 8 hours per day or forty (40) hours per week to the job of State Adjutant.

6.5b The State Adjutant shall be the secretary/manager of the business and administrative affairs of the Department of Michigan.

6.5c It shall be the duty of the State Adjutant to perform the duties of the corresponding secretary of the Department of Michigan.

6.5d It shall be the duty of the State Adjutant to perform the duties of Secretary of the State Convention and the State Executive Committee, and shall, with the concurrence of the State Commander, determine the form of the State convention credential.

6.5e It shall be the duty of the State Adjutant to keep the controlling records of the Department of Michigan employees' paid annual and sick leave, and to provide each employee with a statement of accrued leave credit every six months.

6.5f It shall be the State Adjutant's duty to work to promote better relations between those responsible for the sale of advertising, the printing, mailing, and all other matters in connection with the general work involved in the publication of a Department newspaper.

6.5g It shall be the duty of the State Adjutant to maintain a master copy of the State Convention minutes, the State Executive Committee minutes, and State officer reports at all times in the Department office.

6.5h The budget for the Department of Michigan, budget reporting and accounting procedures shall be a shared responsibility of the State Adjutant and the State Treasurer. The State Adjutant shall provide the State Treasurer with information concerning the Department budget as it becomes available.

6.6 Duties of the State Treasurer

6.6a All expenditures of the Disabled American Veterans, Department of Michigan shall be reviewed by the State Treasurer.

6.6b The State Treasurer shall be an authorized signatory on all Department depository and investment accounts

6.6c The State Treasurer shall be instrumental in developing Department investment policies.

6.6d The State Treasurer shall be a member of the State Executive Committee.

6.6e The State Treasurer shall be an ex-officio member of the Administrative Board.

6.6f The State Treasurer shall review all payment vouchers prepared in support of Department expenditures based on the annual Department budget.

6.6g The State Treasurer shall review all payment vouchers prepared in support of expenditures based on the annual Rehabilitation program budget.

6.7 Duties of the State Judge Advocate

6.7a The State Judge Advocate shall serve as a member of the State Executive Committee.

6.7b The State Judge Advocate shall serve as an advisor to the Interim Constitution and Bylaws Committee.

6.7c The State Judge Advocate shall, at the request of the State Commander, the State Executive Committee or the State Convention, render opinions on any existing or proposed parts of the Department or National organization's Constitution and Bylaws, on all questions of parliamentary procedure, and on all questions arising from Chapter or Department disputes.

6.8 Duties of the State Inspector

6.8a The State Inspector shall, under the supervision and direction of the State Commander or State Adjutant investigate any alleged violation of Chapter, Department, or National Constitution and Bylaws, including but not limited to occurrences which may impugn the integrity or reputation of the organization.

6.8b The State Inspector shall, at the direction of the State Commander or the State Adjutant, inspect, audit or cause to have audited the books, records and accounts of a Chapter.

6.8c The State Inspector shall render a written report of his or her findings and recommendations to the State Commander, the State Adjutant and the State Judge Advocate at the completion of an investigation, inspection or audit.

6.9 Duties of the State Officer-of-the-Day

The duties of the State Officer-of-the-Day shall be as prescribed in the National organization's Bylaws and as may be directed by the State Commander or State Convention.

6.10 Duties of the State Sergeant-at-Arms

The duties of the State Sergeant-at-Arms shall be as prescribed in the National organization's Bylaws and as may be directed by the State Commander or the State Convention.

6.11 Policy regarding vacancies in State offices

6.11a In the event of a vacancy or removal from office of the State Commander, the ranking State Vice Commander shall become State Commander.

6.11b In the event of a vacancy or removal from office of a State Vice Commander, the State Commander shall appoint a replacement from the Zone wherein the vacancy occurs. The replacement shall retain the same State Department designation and rank as the person being replaced. This appointment shall require the approval of the State Executive Committee.

6.12 Tenure of Office

6.12a The elected State officers shall be installed immediately preceding the adjournment of the State Convention at which they were elected and shall hold their respective offices until their successors have been elected and installed.

6.12b Appointive State officers shall serve at the pleasure of the appointing power, except that no term of office shall exceed that of the appointing power, nor exceed term limitations provided in the Department or National Constitution and Bylaws.

ARTICLE 7 - SERVICE OFFICERS

7.1a The National Service Officers of this Department shall be those approved by the National organization for this Department. As employees of the National organization, National Service Officers shall not be removed from office without due process through the National organization.

7.1b The budget of the Department of Michigan Rehabilitation office, budget reporting and accounting procedures shall be a shared responsibility of the Director of the National Service Office in the Department of Michigan and the State Treasurer.

7.1c The Director of the National Service Office in the Department of Michigan shall provide the State Treasurer with information concerning the Department Rehabilitation budget as it becomes available.

7.2a The Department Service Officers shall be under the direct supervision of the Director of the National Service Office in the Department of Michigan.

7.2b Rules for the Department Service Officers shall be as prescribed in the State Department Bylaws and as directed by the State Convention.

7.2c The Director of the National Service Office in the Department of Michigan shall, at the direction of the State Administrative Board, hire Department Service Officers.

7.2d The term of employment of a Department Service Officer shall not commence until he is certified by the Department of Veterans Affairs and shall continue only so long as such certification is in effect.

ARTICLE 8 - DUTIES OF THE STATE DEPARTMENT INTERIM COMMITTEES

8.1 Interim Constitution and Bylaws Committee

It shall be the duty of the Interim Constitution and Bylaws Committee to review proposed amendments to the Constitution and Bylaws and if necessary, to rewrite such amendments in proper form without changing the context of the proposed amendment, and to present to the convention additional amendments which the committee deems prudent and necessary. The State Judge Advocate shall serve as advisor to this committee.

8.2 Interim Convention Committee

8.2a It shall be the duty of the Interim Convention Committee to select the site of the annual State Convention at least two years in advance.

8.2b It shall be the duty of the Interim Convention Committee to determine the amount of the registration fee for the State Convention. This registration fee shall remain unencumbered by any charges for Convention banquets or other items.

8.2c The Interim Convention Committee shall serve as the State Convention Committee with the addition of four members, one from each Zone, to be elected at the Department Convention.

8.3 Interim General Resolutions Committee

8.3a It shall be the duty of the Interim General Resolutions Committee to review proposed resolutions to be submitted to the State Convention and if necessary, to rewrite such resolutions in proper form without changing the context of the proposed resolution, and to present to the convention additional resolutions which the committee deems prudent and necessary.

8.3b Members of the Interim General Resolutions Committee shall serve on the State Convention General Resolutions Committee with the addition of four members, one from each zone, to be elected at the State Convention.

ARTICLE 9 - STATE CONVENTION

9.1 Delegates

9.1a Each Chapter shall be entitled to one delegate and one alternate for its charter and one delegate and one alternate for each twenty-five (25) members or major fraction thereof on whom a per capita tax has been received by Department headquarters at least ten (10) days prior to the State Convention.

9.1b All Chapter delegates and alternates shall be chosen by their respective Chapters at least twenty (20) days prior to the State Convention and certified to the State Adjutant prior to the opening of the State Convention on forms provided by Department headquarters.

9.2 Voting

9.2a Each elected State officer, each State Executive Committee member, each Past State Commander, and each Chapter delegate shall be entitled to one (1) vote in the State Convention except as otherwise specified. In the absence of the Chapter delegate, the Chapter alternate delegate shall cast the vote. If neither delegate or alternate is present a vote shall be cast in the same majority as those of the Chapter's delegates present.

9.2b No elected State officer, Past State Commander, Executive Committee member, delegate or alternate delegate whose per capita tax has not been duly received by the Department or who has not registered and paid the State convention registration fee shall be seated in the convention for the privilege of voting in convention.

9.2c Members may be credentialed in only one voting capacity at the State Convention and as such entitled to vote in that one capacity.

9.2d Chapter delegations denied the privilege of voting due to Chapter indebtedness to the Department are entitled to a hearing before the Convention Credentials Committee, and to the right of appeal of the Credentials Committee ruling to the State Convention.

9.2e There shall be no form of Unit Rule nor voting by proxy.

9.3 All mandates and resolutions adopted at the State Convention shall be effective only until the close of the next State Convention unless adopted at such next Convention.

9.4 The State Adjutant shall determine the form of the State convention credential.

9.5 Convention Committees

9.5a The State Commander shall appoint a Credentials Committee composed of four members, one from each Zone, who shall determine the number of votes available to be cast at the State convention based on the Department Constitution and Bylaws, the rules of the convention, and the registration of certified Executive Committee members and chapter delegates. This committee shall report their findings to the convention at the earliest opportunity and shall provide an updated report at each convention session.

9.5b The personnel of all Convention Committees other than the Convention Credentials Committee and Rules Committee shall be chosen by and from the delegates of the Convention before the close of the first convention session, providing, if possible, the opportunity for each Chapter to have representation on one of the committees.

9.5c The Constitution and Bylaws Committee shall be composed of the three members of the Interim Constitution and Bylaws Committee and four members, one from each Zone, chosen by and from the convention delegates before the close of the first convention session.

9.5d The State Convention Committee shall be composed of the six members of the Interim Convention Committee and four members, one from each Zone, to be chosen by and from the convention delegates before the close of the first convention session.

9.5e The State Convention General Resolutions Committee shall be composed of the three members of the Interim General Resolutions Committee and four members, one from each zone, to be chosen by and from the convention delegates before the close of the first convention session.

9.6 Convention Site Selection

9.6a There shall be a convention procedure and policy manual to be used as a guide by the Interim Convention Committee. The State Convention Committee, appointed at each convention, shall review and recommend such changes as are necessary to the manual in a report to the State Convention for the convention's consideration and action.

9.6b The selection of convention sites and implementation of conventions shall be the duty of the Interim Convention Committee, with the approval of the State Convention.

9.7 Only the host Chapter and Auxiliary Unit may conduct a fund raising event at the State convention. This fund raising event must have the approval of the Department of Michigan.

ARTICLE 10 - EXECUTIVE COMMITTEE

10.1a A majority of the members of the Executive Committee shall constitute a quorum of that body.

10.1b The State Executive Committee shall hold its stated meetings as follows: One within 24 hours following the close of the State Convention and one within 24 hours preceding the next State Convention.

10.1c During the period of the State Convention, the State Commander may call a special meeting of the State Executive Committee.

10.1d A special meeting of the Executive Committee may be called by the State Commander with the written consent of a majority of the committee membership. The State Commander shall call a special meeting of the State Executive Committee between State Conventions at the written request of 40% of the State Executive Committee members.

10.1e The order of business at the State Executive Committee Meetings shall be:

1. Call to order by presiding Officer.
2. Roll call of members.
3. Minutes of the previous meeting.
4. Report of the State Treasurer.
5. Report of the State Administrative Board Chairman.
6. Communications.
7. Committee reports.
8. Unfinished business.
9. New business.
10. Good of the order.
11. Adjournment.

10.1f In the absence of the State Commander, the ranking State Vice Commander shall preside.

10.1g The regular business of the organization requiring the consideration of the State Executive Committee between stated meetings shall be transacted through the office of the State Adjutant by use of the mail, telephone, e-mail or facsimile transmission. Whenever a ballot is taken, the results of such balloting shall be printed listing the vote of each Executive Committee member as soon as possible following each balloting.

10.2 Powers and Duties of the State Executive Committee

10.2a All legislative, administrative and executive matters not otherwise specifically covered by the provisions of the State Department Constitution and Bylaws, mandates or regulations of the State Convention, or by the National organization's Constitution and Bylaws shall be determined by the State Executive Committee.

10.2b The State Executive Committee shall have approval rights over the financial policies determined by the State Administrative Board in the

event the policies are not governed by the State Department Constitution and Bylaws or the Constitution and Bylaws of the National organization.

10.2c The State Executive Committee shall have the right of approval of all appointments to be made by the State Commander.

10.3 Reimbursement of Executive Committee Member's Expenses

Reimbursement of State Executive Committee member's expenses to and from State Conventions shall be governed by the State Department Bylaws as a "Power and Duty of the State Administrative Board."

10.4 Term of Office

The term of office of the State Executive Committee members shall begin at the first Executive Committee Meeting immediately following the close of the State Convention and shall end at the close of the following State Convention.

ARTICLE 11 - ADMINISTRATIVE BOARD

11.1 Administrative Board Meetings

11.1a The State Administrative Board shall meet immediately after the election of new members to the Administrative Board for the purpose of electing a chairman from the body of Board members and to establish a tentative Department budget.

11.1b The State Administrative Board shall meet at the call of the Administrative Board Chairman, at the request of the State Commander, or at the request of seven (7) members of the State Administrative Board.

11.1c Members of the Administrative Board shall be paid \$5.00 per diem for days at the State convention and Administrative Board meeting dates. The Administrative Board shall set reimbursement rates, to be approved by the State Executive Committee, not to exceed Internal Revenue Service guidelines.

11.1d The regular business of the organization requiring the consideration of the State Administrative Board between scheduled meetings, shall be transacted through the office of the State Adjutant by the use of the mail, telephone, e-mail or facsimile transmission. Whenever a vote is taken in this fashion the votes shall be printed listing the vote of each Administrative Board member as soon as possible following each vote and the results communicated to the members.

11.2 Powers and Duties of the State Administrative Board

11.2a The State Administrative Board shall make recommendations to the State Convention to improve service or better the general structure of the Disabled American Veterans, Department of Michigan.

11.2b The State Administrative Board shall have direct supervision over Article XIV - Employment Policy in the Department Bylaws.

11.2c The State Administrative Board shall have rights of approval concerning any and all personnel to be employed by the Department of Michigan.

11.2d It shall be the responsibility of the Administrative Board to provide for the audit of all Department of Michigan accounts, to see that all employees and appointive officers of the Department of Michigan entrusted with the handling of Department funds and revenue are properly bonded, that bond premiums are promptly paid, and that the finances of the organization are properly managed to secure an economic and business-like administration of its financial affairs.

11.2e The State Administrative Board shall have direct supervision of the Department of Michigan's revenue, expenditures and investment policies.

11.2f The State Administrative Board shall authorize and cause to be paid the expenses of the State Commander or his or her designated representative, the National Service Officers, and the Department Service Officers at any time they are on official business of the Department.

11.2g The State Administrative Board shall authorize and cause to be paid the expenses of the elected State Officers, the State Adjutant, the Department Service Officers, the National Service Officers, and such other appointed officers as may be designated by the State Commander with the approval of the State Administrative Board, to the annual State Convention.

11.2h The State Administrative Board shall provide such clerical help as is needed to conduct the State Convention and the meetings of the State Executive Committee, and shall authorize and cause to be paid the expenses of such clerical help.

11.2i The State Administrative Board shall authorize and cause to be paid the expenses of the State Executive Committee.

11.2j The State Administrative Board shall determine, authorize and cause to be paid one-half (1/2) the expenses of the State Executive Committee members to the annual State Convention, provided that the State Executive Committee member is shown on the official roll call to be present at the pre-convention Executive Committee Meeting. Newly-elected State Executive Committee members to be seated at the post Convention Executive Committee Meeting shall not be reimbursed for expenses to the State Convention. If the newly-seated Executive Committee members are required to remain one or more days following the close of the annual State Convention, they shall be reimbursed one-half (1/2) the expenses of the additional stay.

11.2k The State Administrative Board shall determine, authorize and cause to be paid one-half (1/2) the expenses to and from all special meetings of the Executive Committee between conventions, provided that the State Executive Committee member is shown present on the official roll call at the meeting.

11.21 The State Administrative Board shall authorize and cause to be paid the expenses of the State Commander, the State Senior Vice Commander and the State Adjutant to and from the National Convention.

11.2m The State Administrative Board may, if funds are available, provide annually in the Department budget an appropriation of not less than \$600.00 for each Zone for the purpose of holding Zone Meetings.

11.2n The State Administrative Board shall determine the salary of all compensated positions within the Department of Michigan to include the salary supplement for the National Service Officers over and above the salaries allotted by the National organization.

11.2o The State Administrative Board shall, subject to the approval of the State Executive Committee, determine financial policies of the Department of Michigan not governed by the State Department of Michigan Constitution and Bylaws or the National organization's Constitution and Bylaws.

11.2p The State Administrative Board shall allocate funds to maintain a Department Hospital program.

11.2q The State Administrative Board shall allocate funds to maintain a Department Rehabilitation program.

ARTICLE 12 - NEWSPAPER COMMITTEE

12.1 The membership of the Department Newspaper Committee shall be as outlined in the State Department of Michigan Constitution.

12.2 It shall be the duty of the Department Newspaper Committee to relay all pertinent issues relative to the sale of advertising, cost of printing, and/or mailing of the Department newspaper to the State Administrative Board.

12.3 The Department Newspaper Committee shall be directly accountable to the State Convention and the Administrative Board.

12.4 Department Newspaper

12.4a The State Adjutant shall work to promote better relations between those responsible for the sale of advertising, the printing, mailing, and all other matters in connection with the general work involved in the publication of a Department newspaper.

12.4b The Department Newspaper editor shall edit the newspaper and be in charge of the publicity and news releases of the Department. All publicity and news releases shall be approved by the State Adjutant, with the concurrence of the State Commander, prior to their release. Chairman.

ARTICLE 13 - REVENUES AND EXPENDITURES

13.1 Expenditures

13.1a All expenditures of the Disabled American Veterans, Department of Michigan shall be made by check or electronic funds transfer and supported by payment vouchers approved by any two or more of the following: the State Commander, the State Treasurer, the State Adjutant, and the Chairman of the State Administrative Board.

13.1b The State Commander, the State Treasurer, the State Adjutant and one other elected State officer designated by the State Commander shall be listed on all Department deposit accounts as authorized signatories.

13.1c Reimbursement of travel expenses shall be determined using the State of Michigan Table of Travel Expenses except as otherwise provided in the State Department of Michigan Constitution and Bylaws, but not to exceed Internal Revenue Service guidelines.

13.2 Expenditures from the Department Convention Fund

13.2a The Department of Michigan Convention Fund shall be used to offset convention expenses such as meeting rooms, banquet and/or a reception for the State and Auxiliary State Commanders, and other such expenses associated with the hosting of a convention.

13.2b All expenditures from the Department Convention Fund shall be by vouchers approved by the State Commander and the State Administrative Board Chairman.

13.3 Revenue

13.3a All revenue shall be deposited in credible financial institutions in the name of the Disabled American Veterans, Department of Michigan.

13.3b All fund raising projects of the Department of Michigan and/or its divisions shall be subject to the provisions of the National Constitution and Bylaws.

13.3c The revenue of the Department of Michigan shall be derived from a per capita tax, contributions, and such other sources as may be approved by the State Executive Committee, subject to the provisions of the National organization's Constitution and Bylaws.

13.3d The per capita tax shall be paid on a full fiscal year basis. The fiscal year shall start on July 1st and end June 30th following.

13.3e The Department per capita tax for members shall be determined by distribution amounts set by the DAV National organization and a Department of Michigan Newspaper subscription fee of \$1.25.

13.3f There shall be a service fee of \$1.00 per member to be collected along with the Department per capita tax by the National organization and transmitted to the Department.

13.3g The Department of Michigan balance sheet showing the financial condition of the Department of Michigan at the end of the fiscal year shall be published as soon as the information is available.

13.3h The Department of Michigan balance sheet showing the financial condition of the Department of Michigan as of April 30 of the current year shall be available to each member of the State Executive Committee at the pre-convention State Executive Committee meeting.

ARTICLE 14 - EMPLOYMENT POLICY OF THE DEPARTMENT OF MICHIGAN

14.1 Application for any compensated position within the Department of Michigan shall be made to the State Administrative Board.

14.2 All requests for personnel shall be directed to the State Administrative Board.

14.3 The State Adjutant and the Director of the National Service Office in the Department of Michigan shall request the State Administrative Board for such personnel as is necessary to conduct the business of their respective offices.

14.4 The State Adjutant and the Director of the National Service Office in the Department of Michigan shall be the supervisory personnel of their respective offices and as such shall be in complete charge of personnel assigned to their office except as provided in the State Department of Michigan Constitution and Bylaws.

14.5 No person shall be refused employment for reason of religion, race, color, national origin, age, sex, marital status, height, weight, arrest record or handicap. Selection for employment shall be made solely on consideration of a person's ability to meet job specifications as prescribed in the policies.

14.6 In the event of a justified reduction in work force as determined by the State Adjutant or the Director of the National Service office, the position(s) affected will be based on the needs of the organization and the veteran population served.

14.7a Full time employees of the Department of Michigan, including the State Adjutant and excluding the National Service Officers, who have been employed by the Department for six (6) or more months, shall be allowed:

Nine days (72 hours) vacation with pay during the first full year of continuous employment.

Fifteen days (120 hours) vacation with pay for employees with one year continuous employment, and less than five years' continuous employment.

Twenty-one days (168 hours) vacation with pay for employees with five years and less than ten years' continuous employment.

Thirty days (240 hours) vacation with pay for employees with ten years or more continuous employment.

14.7b Paid annual leave may be used with the prior approval of the employee's office supervisor.

14.7c Paid annual leave shall not be deducted from the employees' accrued annual leave for the employees' attendance of a State or National convention provided, the employees' absence is limited to actual travel and convention time.

14.7d Upon separation, retirement or death of an employee he/she or his/her beneficiary or estate shall be paid at his/her ending pay rate, the unused credited annual leave not to exceed 36 days (288 hours).

14.8a Sick leave for all full time employees of the Department of Michigan, including the State Adjutant, but excluding the National Service Officers, who have been employed by the Department for six (6) or more months, shall be allowed 12 sick days(96)hours per year.

14.8b Upon retirement or death of an employee hired prior to June 1, 2003, he/she or his/her beneficiary or estate shall be paid at his/her ending pay rate, the unused credited sick leave not to exceed 100 days (800 hours).

14.8c Upon retirement or death of an employee hired on or after June 1, 2003, he/she or his/her beneficiary or estate shall be paid at his/her ending pay rate, the unused credited sick leave not to exceed 30 days (240 hours).

14.8d The use of sick leave shall be substantiated by such evidence as shall be required by the employee's supervisor.

14.8e In no event shall an employee accumulate more than 36 days (288 hours) of annual leave and no more than 100 days (800 hours) of sick leave.

14.9a National Service Officers, as employees of the National organization of the Disabled American Veterans, shall be subject to the leave policies of the National organization as provided in the National Bylaws and National administrative policies.

14.9b The Department of Michigan shall continue salary supplements for annual and sick leave use to the National Service Officers for unused annual leave up to 30 days, and shall cease all salary supplements for unused sick leave, effective on the date at the end of their actual services in the Detroit DAV National Service Office.

14.10 The State Adjutant shall keep the controlling records of paid annual and sick leave and shall provide each employee with a statement of accrued leave credit every 6 months.

14.11 In the event of a death in the immediate family of a full-time paid employee or spouse, the employee shall be entitled to three (3) bereavement leave days at his/her regular rate of compensation in each instance. Immediate family, as used in this section, shall mean husband or wife, parents, children, father-in-law, mother-in-law, grandparents, grandchildren, brothers and sisters, brothers-in-law and sisters-in-law, step-mother and step-father. The employee may be required by the employer to submit proof of death.

14.12 Full-time employees of the Disabled American Veterans, Department of Michigan shall receive longevity pay of \$20.00 per year for each year of service, to a maximum of \$500.00 per year over and above any annual salary or wage increase entitlement.

14.13 The first six months of employment shall be a probationary period and the employee may be discharged during this period, without recourse, for unsatisfactory work performance, tardiness, absenteeism, insubordination, or acts that cause unfavorable publicity for the Disabled American Veterans.

14.14 Any officer of the Department of Michigan, desiring the dismissal of any employee shall prefer charges, in writing, to the State Administrative Board for its consideration. The State Administrative Board shall provide a copy of the complaint to the employee no less than 10 days prior to the convening of the hearing by the State Administrative Board, inviting the employee to appear before the board with counsel.

14.15 No paid employee of the Department of Michigan who has been continuously employed by the Department for a period of more than 6 months

shall be discharged or have his/her employment terminated involuntarily, except in the event of a mandatory reduction in work force, without filing of charges by mail to all members of the State Administrative Board and a hearing, to be held 15 days from the date the complaint is filed.

The employee shall be notified at least 10 days prior to the convening of the State Administrative Board and full details of the charges shall be given to the employee. The employee shall have right to appeal the State Executive Committee. A two-thirds (2/3) majority vote of the Executive Committee shall be final.

14.16 Any employee suspended by the State Administrative Board shall not be allowed to perform the duties of his/her employment.

14.17 In the event of a successful appeal to the State Executive Committee, the employee shall be reinstated with full back pay from the date of suspension.

14.18 No reinstated or suspended employee shall be held responsible for errors of the person filling his/her position during the suspension.

14.19 All employees of the Department of Michigan, present and future, shall be provided a copy of the State Department of Michigan Bylaws, Article XIV - Employment Policy of the Department of Michigan, and a copy of this article shall be signed by the employee and kept in the Department of Michigan employment files.

ARTICLE 15 - CHARGES AND TRIALS

15.1 Charges against any member of this organization and trial of such members shall be governed by Article XVI of the National organization's Bylaws.

15.2 No member shall be expelled or limited in any privileges of membership, except as specified in Article XVI of the National organization's Bylaws.

15.3 No member shall receive a refund of any membership dues upon his/her expulsion or resignation from membership. The National Commander, may, in the event of expulsion and at his discretion, refund all dues.

ARTICLE 16 - MISUSE OF ROSTERS

The membership roster and eligible list of this organization shall be confidential and shall only be used for duly authorized Disabled American Veterans' business and shall not be used for circularizing for political or unrelated purposes. Violation of this article may be the basis for charges under Article XVI of the National organization's Bylaws.

ARTICLE 17 - DEPARTMENT OF MICHIGAN OFFICIAL CAPS

The official caps, their design and colors, shall be as prescribed in the Disabled American Veterans, National Bylaws.

ARTICLE 18 - AMENDMENTS

18.1 Resolutions proposing to amend the State Department Bylaws must be submitted to the State Adjutant not later than fourteen (14) days prior to the first business session of the State convention.

18.2 These Bylaws may be amended at any State Convention by a two-thirds (2/3) vote of the delegates present and voting, provided that the amendment must have been read at a business session prior to the session in which they are considered.

Amend DAV Department of Michigan Constitution
To Decrease the Number of State Administrative Board Members

Whereas: The income to the Disabled American Veterans, Department of Michigan has been continually decreasing over the years, and

Whereas: It is imperative for the Organization to find ways to cut expenses in order to preserve our existence, and

Whereas: Each State Administrative Board Meeting costs the Department an average of \$5,200 each time Board Meeting is called.

Therefore Be It Resolved that Article IV, Section 4.5a of the Constitution which currently reads:

4.5a There shall be a State Administrative Board composed of twelve (12) members elected by the State Convention to serve three-year terms, the State commander, and the immediate Past State Commander. The State Vice Commanders, the State Treasurer, and the State Judge Advocate shall serve as ex-officio members with voice, but no vote.

be amended to state:

4.5a There shall be a State Administrative Board composed of eight (8) members elected by the State Convention to serve two-year terms, the State commander, and the immediate Past State Commander
and,

Be It Further Resolved that Article IV, Section 4.5b of the Constitution which currently reads:

4.5b There shall be no less than two elected members nor more than four elected members from each Zone.

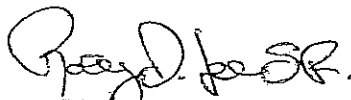
be amended to state:

4.5b There shall be no more than two (2) elected members from each Zone.

Be It Further Resolved that in order to implement these changes, pending approval of the National Judge Advocate, all terms of the current twelve (12) member State Administrative Board shall cease on Sunday, June 13, 2010, when a new 8 member Board is elected in accordance with the Constitution and Bylaws as amended this date.

Be It Further Resolved that the DAV Department of Michigan assembled in State convention June 5, 6 and 7, 2009 go on record to adopt these cost-savings amendments for the betterment of the DAV Department of Michigan.

Approved by three-fourths of the authorized votes cast at the Department of Michigan convention assembled June 5, 6 and 7, 2009 in Sault Ste. Marie, Michigan.



Rolly D. Lee, Sr.

State Adjutant

To Amend the DAV Dept of Michigan Bylaws

Whereas: The income to the Disabled American Veterans, Department of Michigan has been continually decreasing over the years, and

Whereas: It is imperative for the Organization to find ways to cut expenses in order to preserve our existence, and

Whereas: Each State Administrative Board Meeting currently costs the Department an average of \$5,200 each time a Board Meeting is called and further cost savings measures need to be taken.

Therefore Be It Resolved that Article 11 – Administrative Board, Section 11.1b in the Bylaws that currently reads:

11.1b The State Administrative Board shall meet at the call of the Administrative Board Chairman, at the request of the State Commander, or at the request of seven (7) members of the State Administrative Board.

Be amended to state:

11.1b The State Administrative Board shall meet at the call of the Administrative Board Chairman, at the request of the State Commander, or at the request of five (5) members of the State Administrative Board.

And

Be It Further Resolved that a new Section be created and named Section 11.1c to read:

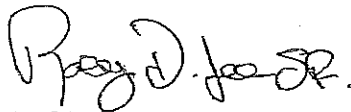
11.1c Only the 8 Administrative Board members, the State Commander, the immediate Past State Commander, the Senior Vice Commander, the State Treasurer, the State Judge Advocate and the State Adjutant shall be paid travel expenses to attend the Administrative Board Meetings.

And that current Section 11.1c be renumbered Section 11.1d.

Be It Further Resolved that in order to implement these changes, pending approval of the National Judge Advocate, all terms of the current twelve member State Administrative Board shall cease on Sunday, June 13, 2010, when a new 8 member Board is elected in accordance with the Constitution and Bylaws as amended this date.

Be It Further Resolved that the DAV Department of Michigan assembled in State convention June 5, 6 and 7, 2009 go on record to adopt these amendments to our Bylaws for the betterment of the DAV Department of Michigan.

Approved by two-thirds of authorized votes cast at the Department of Michigan convention assembled June 5, 6 and 7, 2009 in Sault Ste. Marie, Michigan.



Rolly D. Lee, Sr.

State Adjutant