

BYLAWS

DEPARTMENT OF PENNSYLVANIA VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED

ARTICLE I NAME AND JURISDICTION

SECTION 1 / NAME

This subordinate unit of the Veterans of Foreign Wars of the United States shall be known as the Department of Pennsylvania, Veterans of Foreign Wars of the United States, Incorporated, hereinafter referred to as "Department".

SECTION 2 / JURISDICTION

The territorial limits of the Department shall be the Commonwealth of Pennsylvania and all Districts, County Councils and Posts located in the Commonwealth shall be subject to its jurisdiction.

ARTICLE II OBJECTS

The purpose of this corporation shall be fraternal, patriotic, historical, charitable, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their surviving spouses and orphans; to maintain true allegiance to the Government of the United States of America, and fidelity to its constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom and to preserve and defend the United States from all her enemies.

ARTICLE III AUTHORITY

SECTION 1 / SUPREME AUTHORITY

The Congressional Charter and Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States, as from time to time amended, and all resolutions enacted by the National Convention, together with lawful orders promulgated by the Commander-in-Chief, and the Bylaws of the Department of Pennsylvania Veterans of Foreign Wars of the United States, Incorporated, shall be the supreme law of the Department and of all Districts within the Department, County Councils, Posts, and of any organization in any way using the Post name, the VFW emblem, or any parts thereof.

SECTION 2 / VESTED POWERS

Subject to the governing powers of the National Organization enumerated in the foregoing section, the government of the Department shall be vested in the Department Convention and lawful orders of the State Commander.

ARTICLE IV
DEPARTMENT CONVENTION

SECTION 1 / POST DELEGATES ELECTION AND FEES

Delegates and alternates to the Department Convention shall be elected at a regular meeting of the Post in April. One (1) delegate and one (1) alternate for each thirty (30) members, or fraction thereof in good standing as of March 31st.

A Delegate Registration Fee shall be paid by each Post for the Commander and for each and every Delegate to which each Post shall be entitled, based upon and as shown by the State Quartermaster's records.

Posts failing to forward the full delegate fee shall be considered delinquent and in arrears.

SECTION 2 / SITE AND TIME OF CONVENTION

The dates of the Department Convention shall be established by the Host District, County or Post and approved by the Council of Administration. Annual Department Convention Cities may be approved by the Department Council of Administration three (3) years in advance of the next annual Convention dates. The Department Convention must start prior to July 1, beginning the year 2002.

SECTION 3 / ORDER OF BUSINESS

Order of business will be conducted by an agenda prepared by the State Adjutant in accordance with the National Bylaws and Manual of Procedure and approved by the State Commander.

SECTION 4 / ELECTED AND APPOINTED OFFICERS

The elected officers of the Department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain, Judge Advocate and Surgeon.

The State Commander shall appoint an Adjutant, Inspector, Chief of Staff, Service Officer, Sergeant-At-Arms and Parliamentarian.

ARTICLE V
COUNCIL OF ADMINISTRATION

SECTION 1 / COMPOSITION

The Council of Administration for the Department shall consist of the Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Quartermaster, Chaplain, Judge Advocate, Surgeon, National Council Member, Chief of Staff, Inspector, Immediate Past State Commander, Past National Commanders-in-Chief from the Department and District Commanders.

In the absence of a District Commander, the District Senior Vice Commander and in the absence of the District Senior Vice Commander, the District Junior Vice Commander may function as a member of the Council of Administration.

The five (5) Past State Commanders preceding the Immediate Past State Commander shall be invited to attend Council of Administration Meetings in an advisory capacity, with no vote. Expenses shall be authorized at the same rate as for Members of the Council of Administration.

SECTION 2 / DUTIES AND POWERS

The Council of Administration shall be responsible for administering the affairs and transacting business of the Department between the Department Conventions. A detailed record of the proceedings shall be maintained for each meeting and presented annually to the Department Convention. Copies of the minutes and any action taken by the Council of Administration shall be sent to each Council Member and all Past State Commanders not later than thirty (30) days after said Council Meeting.

ARTICLE VI **DISTRICTS**

SECTION 1

a. For the purpose of administering the affairs of the Department, the territorial jurisdiction of the Department is divided into Districts, which are comprised of Posts as determined by the Council of Administration, subject to the approval of the Department Convention. A Post in a City, Borough or Township adjoining another County and District may transfer to an adjoining District for economic, geographic or any other valid reason, subject to the approval of the Department Convention.

b. A Post seeking to transfer from an adjoining City, Borough or Township must adhere to the following procedures to ensure that the losing and gaining Districts, as well as the Department retain a measure of control with respect to territorial jurisdiction.

c. Post Responsibilities:

- (1) A majority of votes at a regular or special meeting will be required to transfer to an adjoining District.
- (2) The Post Commander will request in writing from the losing District and a request for acceptance into the gaining District. Copies will be made available to the State Commander.

d. District Responsibilities:

- (1) A majority of votes at a regular or special meeting will be required by both the losing and gaining District concerning the loss or gain of a Post.
- (2) The Gaining District shall submit a letter of approval to the Post Commander, copies to losing District and Department.
- (3) The losing District shall submit a letter of acceptance to the Post Commander, copies to gaining District and Department.
- (4) Transfer shall require the approval of losing and gaining Districts. Above actions are subject to approval of the Department Convention.

SECTION 2 / REGULAR MEETINGS

In addition to the Annual District Convention, Districts shall hold at least three (3) regular meetings each year for the transaction of business, conducting schools of instruction for Post officers and for discussion of problems affecting the welfare of the Veterans of Foreign Wars within their District.

SECTION 3 / DELEGATES

Delegates and alternates to the District Convention shall be elected at the regular meeting of the Post in April. One (1) delegate and one (1) alternate for each thirty (30) members, or fraction thereof in good standing in the Post as of March 31st.

ARTICLE VII
OFFICERS

SECTION 1 / DUTIES OF THE SURGEON

The State Surgeon shall, by direction of the State Commander or Council of Administration, conduct inspections of Department of Veterans Affairs Medical Centers and State Veterans Homes and shall prepare reports on such inspections which will be forwarded to the State Commander. He/she shall assist Post Surgeons in an advisory capacity, and promote statewide health programs. He/she shall perform such other duties as are incident to his/her office and as the Bylaws may require.

SECTION 2 / SERGEANT-AT-ARMS/ COLOR GUARD/ BUGLER

The Sergeant-At-Arms, Assistant Sergeant-At-Arms, Color Guard and the Bugler shall perform the duties incident to their respective offices and as the State Commander may direct.

SECTION 3 / STATE SERVICE OFFICER

It shall be the duty of the accredited State Service Officer to assist the members of the Department, their widows and orphans, in obtaining rightful benefits from the Federal and State Government; assist them in preparing proper forms in connection with claims, and shall provide guidance to District and Post Service Officers. He/she shall organize and conduct annual training sessions for District and Post Service Officers. His/her work shall be performed in accordance with rules promulgated by the National Veterans Service Committee.

SECTION 4 / LEGISLATIVE CHAIRMAN

It shall be the duty of the Legislative Chairman to assist and provide guidance to the Commander and to establish legislative goals at the National and State level. He/she shall ensure the Department membership is informed of all legislative issues, and perform other duties as the State Commander may direct.

SECTION 5 / ASSISTANT SERVICE OFFICER

It shall be the duty of the accredited Assistant State Service Officer to assist the members of the Department, their widows and orphans, in obtaining rightful benefits from the State and Federal Government; to assist them in preparing the proper forms in connection with the above and to perform such other duties, incident to the office as may be from time to time directed by competent authority. His/her work shall be performed in accordance with rules promulgated by the National Veterans Service Committee.

SECTION 6 / PAST STATE COMMANDERS

It will be the duty of all Past State Commanders to assist their successors with counsel by the experience gained during their term in office.

ARTICLE VIII
COMMITTEES

SECTION 1 / MEETINGS

Subject to specific provisions for the meetings of particular committees, prescribed in these Bylaws or by special enactment of the Department Convention, all committees may meet at any convenient time and place at the call of their respective chairman, provided that no expense to the Department is incurred. Committees shall meet at the time and place designated when ordered to convene by the State Commander.

SECTION 2 / FINANCE COMMITTEE

The members of the committee shall be, State Commander, Senior Vice Commander, Junior Vice Commander, State Adjutant, State Quartermaster, immediate past three (3) State Commanders, Service Officer and three (3) appointments by the State Commander. The Chairman will be appointed by the Commander. The State Adjutant will serve as secretary and record minutes of formal meetings and shall deliver minutes to committee members and all past State Commanders not later than thirty (30) days following the meeting.

The committee will recommend methods and policies to the Council of Administration to accomplish the financial initiatives for the Department of Pennsylvania, Veterans of Foreign Wars.

The committee shall prepare and recommend an annual budget covering the financial operations of the Department for the ensuing year and shall deliver a copy to the Council of Administration and all past State Commanders at least thirty (30) days prior to the Department Convention.

The committee shall review the accounts of State officers and the records and accounts of the State Adjutant and State Quartermaster and recommend their approval, pending audit to the Council of Administration.

The committee shall meet in regular session not less than twice each year and shall hold other such meetings as recommended by the Chairman and approved by the State Commander.

SECTION 3 / AUDIT COMMITTEE

The audit committee members will be three past Department Commanders to be appointed for terms of one (1), two (2) and three (3) years and thereafter, one (1) appointed for a term of three (3) years.

The year any Commander goes out of office he/she will serve for that year ending audit report. These past Department Commanders may or may not be members of the Finance Committee.

These member(s) will be appointed by the Department Commander. The Department Finance Chairman will Chair this Committee. The Finance Chairman will be responsible for seeing the audit is done and members present will constitute a quorum when doing the audit.

The Committee will perform a quarterly audit of the finances of the Department. The audits will be completed within thirty (30) days of the close of each quarter. The audit report should include recommendations if needed.

A copy of the report will be given to the Finance Committee and Council of Administration thirty (30) days prior to their next COA meeting.

ARTICLE IX REMUNERATION OF OFFICERS

SECTION 1 / SALARIES

The State Commander, State Adjutant, State Quartermaster, Service Officer and Assistant Service Officers will receive compensation for their services, as approved by the Finance Committee and presented to the Council of Administration for final approval.

SECTION 2 / EXPENSES

Any officer or member required to incur expenses in the performance of duties imposed by the Bylaws, by an enactment of the Department Convention, by vote of the Council of Administration or by order of the State Commander, shall be reimbursed for the expenses incurred at the authorized rate. He/she shall submit an itemized voucher of such expenses to the State Quartermaster who shall make a payment upon approval by the State Commander. In the case of a dispute of any item of the expenditure, the same shall be decided on by the Council of Administration.

ARTICLE X **DISBURSEMENTS**

SECTION 1 / GENERAL FUND

All money received from whatever source, not raised or solicited for a specific purpose, shall constitute the general fund.

SECTION 2 / SPECIAL FUNDS

The Department Council of Administration may establish funds for specific purposes. A special fund may be either permanent or temporary, and shall consist of all funds received with the understanding that they are to be devoted to the purpose indicated.

SECTION 3 / CUSTODY OF FUNDS

Separate accounts shall be maintained for the general fund, contingent fund and each special fund. The State Quartermaster shall be the custodian of all funds.

SECTION 4 / PAYMENTS FROM THE GENERAL FUND

The State Commander shall have the authority to order payments from the general fund as approved in the Annual Budget.

For all current expenses of the Department Headquarters incurred in the ordinary course of business.

For his/her traveling expenses on such travel as shall be deemed necessary for the interests and welfare of the Department.

For the traveling expenses of the State Adjutant and State Quartermaster in discharging the duties of his/her office, or as may be required by the State Commander.

For the expenses of the State Officers and Committees, standing or special, incurred by order of the State Commander.

All disbursements must be made by voucher.

ARTICLE XI **MISCELLANEOUS**

SECTION 1 / CONSOLIDATION OF POSTS

Two or more Posts may consolidate in accordance with the National Bylaws and Manual of Procedure.

SECTION 2 / CANDIDATES FOR NATIONAL OFFICE

Any candidate seeking financial support from the Department of Pennsylvania, Veterans of Foreign Wars of the United States in pursuit of a National Office of the Veterans of Foreign Wars of the United States must have the endorsement of the Department of Pennsylvania.

SECTION 3 / CONTROL OF UNITS

The Department of Pennsylvania, Veterans of Foreign Wars of the United States, Incorporated, shall not be responsible for the negligent or wrongful acts or omissions nor the contractual obligations or debts of any Post, County Council or District. Any activity, club room, holding company or unit sponsored, conducted or operated by, for or on behalf of a Post, County Council or District shall be at all times under the direct control of such Post, County Council or District. All funds derived there from shall be at all times under the direct control of the Post, County Council or District.

In that property may be held jointly with another Congressionally Chartered Veterans Organization, where the names, trademarks, or service marks of the Veterans of Foreign Wars of the United States are prominently displayed. Any Post, County Council or District of the Department of Pennsylvania, Veterans of Foreign Wars of the United States wishing to enter into such agreement will provide the following documentation to the Department Finance Committee, Department Judge Advocate and Department Commander for review.

1. Inventory of all property.
2. Copies of current deeds and lease agreements.
3. Copies of all current financial reports, bank accounts and investments.
4. Copies of all insurance policies, certifications and licenses of all organizations desiring to enter into joint ownership.
5. Written proposal of why this action is being undertaken and how joint ownership will operate.

To the extent that the Department of Pennsylvania, Veterans of Foreign Wars of the United States, Incorporated, is threatened with or sustains damage arising from a debt or liability incurred by a unit, the Department of Pennsylvania, Veterans of Foreign Wars, Incorporated, may seek to recover such damage and any costs and expenses incurred from such unit or persons responsible for such debt or liability.

ARTICLE XII AMENDMENTS

SECTION 1

Department Bylaws can only be amended by two-thirds of the delegates present and voting at a Department Convention. Proposed Bylaw changes must have been proposed by a Post, County Council, District, Council of Administration Member, State Officer or State Committee. Proposed amendments must be submitted to the State Adjutant no later than sixty (60) days prior to the Convening of the Department Convention.

Proposed amendments shall be submitted to all Posts in the Department thirty (30) days prior to the convening of the Department Convention.

Wherever these Bylaws or subsequent amendments may be found to be in conflict with the present or any future National Bylaws, the latter shall prevail and be binding upon this Department as though written herein.

Approved as revised at the Department Convention June 18, 2021.



Ronald J. Peters
State Commander

Attest:



John B. Getz Jr
State Adjutant



REVIEWED **JUL 23 2021**
FOR THE COMMANDER-IN-CHIEF



BY JOHNATHAN R. DUNCAN, DIRECTOR
ADMINISTRATIVE OPERATIONS