

The following document was reviewed by a Subcommittee of the Department Executive Committee in December 2017. The subcommittee determined that no changes or updates were required at this time. Per request of James Scanlon, subcommittee Chairman, document to be distributed to all current Department Executive Committeemen by the Department Adjutant (John D. Baker, 01/09/18).



Revision 2

Michael Wilson Department JAG

Approved By – Dept. of New Jersey Department Executive Committee

WHEREAS, The Executive Committee of The American Legion, Department of New Jersey does not at the present time have rules to govern its operation;
Now, Therefore, Be It

RESOLVED, By The Executive Committee of The American Legion, Department of New Jersey, in regular meeting assembled on April 30, 1966 in Trenton, New Jersey, That the following rules be adopted:

RULES OF THE EXECUTIVE COMMITTEE OF
THE AMERICAN LEGION, DEPARTMENT OF NEW JERSEY

Rule I
Self-Governing

The Department Executive Committee of The American Legion, as provided by the National and Department Constitution of The American Legion, shall be a self-governing committee and shall transact business in accordance with the rules hereinafter set forth, subject to its Constitution and By-Laws and the mandate of the Department Convention.

Rule2
Officers

The Department Commander shall preside at all meetings of the Department Executive Committee as defined in Article I, Section I, of the By-Laws. The Department Adjutant shall perform the duties defined in Article I, Section 2 of the By-Laws.

In the absence of the Department Commander, any Department Vice-Commander shall be the acting Commander for the respective meeting at which the Commander is absent. In the absence of all Department Vice-Commanders, the Department Executive Committee shall select a member of the Department Committee to be acting Department Commander for the meeting that the vacancy occurs.

The newly elected or incoming County Commander is the “Alternate” for his/her individual County DEC at all regular DEC meetings, the Committee on Committee meeting, and other “Special meetings” when the DEC is unavailable, therefore the incoming DEC and County Commander **must** fill out a Department History Form and provide the Department of New Jersey with a copy of his/her DD-214.

Rule 3
Duties and Powers

The Department Executive Committee is specifically empowered to exercise the following powers and rights, and may delegate to any subcommittee authority to investigate and report back with recommendations to the Committee on any the following powers and rights:

- a. To make decisions on all matters executive or administrative.
- b. To determine the number of members of **all** Department Committees and/ subcommittees created by the Department Commander not in conflict with the Constitution and By-Laws of the Department and to ratify the appointments made by the Department Commander. Such Committees or Subcommittees of the Department Executive Committee shall receive full instructions from the Department Executive Committee by resolution specifying their purpose, scope, function and authority.
- c. Upon any report made to the Department Executive Committee by any Committee or Subcommittee of the Department Executive Committee and containing any recommendations as to further conduct or as to future policy of matters within their scope, the receiving, accepting or approval of such report shall not mean the adoption of such recommendations, and each specific recommendation as to future conduct or future policy shall be embodied in a separate resolution for the consideration and action of the Department Executive Committee.
- d. Recommendations by the Department Executive Committee that have been approved by said committee shall be disbursed by the County DEC to the County Commander to be disbursed to the Posts within their respective county. It shall be the County DEC that follows up with the County Commander that the Department Executive Committee recommendations have been passed along to the respective Posts within their County.
- e. To make decisions when necessary, relative to expenditures for which appropriations have been made by the Department Executive Committee and to make emergency appropriations necessary to implement action by the Department Executive Committee.
- f. To make appropriations, from funds not otherwise appropriated, of such additional amounts as may be recognized as emergency requirements.
- g. To explore matters requiring the attention of the Department Executive Committee and offer recommendations thereon to the Department Executive Committee.
- h. To advise the Department Officers or the Department Committees with regard to problems arising in the performance of their duties or functions.
- i. In general, to perform between Conventions any and all actions necessary and consistent with the exercise of administrative power by the Department Executive Committee.

Rule 4

Power of the Committee over Its Members

- a. If a quorum is not present, the Department Commander may order a call of the Department Executive Committee and send for the absentees provided such absentees are known to be within the city where the meeting is held.

Rule 5

Decorum

- a. No member of the Department Executive Committee or other persons except the Department Adjutant and his Assistants, shall visit or remain by the Adjutant's table while the yeas or nays are being called or counted.
- b. No member shall speak more than twice upon the same subject without leave of the Department Executive Committee; nor more than once until every member choosing to speak shall have spoken.
- c. While the Department Commander is reporting or putting a question, none shall enter into private discussions, read, stand up, walk into, out of, or across the Executive Committee room.

- d. No question shall be debated until it has been propounded by the chair and then the mover shall have the right to explain his views, in preference to any other member.

(Rule 5 -Decorum / Cont'd.)

- e. While the Department Commander is putting the questions, any member who has not spoken before to the matter may speak to the question before the negative is put.
- f. During any debate, any Executive Committeeman, though he has spoken to the matter, may arise and speak to the orders of the Department Executive Committee, if they be transgressed, in case the Department Commander does not; but if the Department Commander stands up at any time, he is first to be heard.
- g. Whenever the Executive Committeeman and the Alternate Executive Committeeman from any County shall be absent from any meeting of the Department Executive Committee, the courtesy of the floor may be granted to an accredited representative of the County not represented, provided, however, that the right to vote shall not be transferred or delegated.
- h. Whenever a division of vote is to be determined on any questions before the Department Executive Committee, the Presiding Officer may determine division by:
 1. Viva Voce vote, with right of recourse to a "teller vote" or "Roll Call vote" as hereinafter provided.
 2. A teller vote whereby the yeas and nays may be counted by a rising vote with recourse to a roll call vote as hereinafter provided.
 3. A roll call vote may be directed by the Presiding Officer to determine a division of vote on any question. Roll Call vote shall be taken upon the request of three members.
 4. On any Viva Voce vote or teller vote, any member of the Executive Committee shall have his vote recorded upon request.

Rule6

Committee of the Whole

- a. When the Department Executive Committee shall resolve itself in to the Committee of the Whole, the Presiding Officer shall leave the chair and appoint a chairman to preside over the Committee of the Whole.
- b. The Committee of the Whole shall consider and report on such subjects as may be submitted to it by the Department Executive Committee of the Whole, so far as they are applicable, except the rule limiting the time of speaking, concerning the previous question, and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded on the Minutes of the Department Executive Committee, excepting so far as they are reported to the Department Executive Committee by the Chairman of the Committee of the Whole.

Rule7

Order of Business

The order of business of the Department Executive Committee shall be:

- (1) Post of Colors. (2) The Invocation. (3) Preamble. (4) Call the Roll. (5) Approve the minutes of the former meeting. (6) Dispose of letters or communications. (7) Receive reports from Officers of The American Legion. (8) Receive reports from the Committees, Subcommittees of the Executive Committee. (9) Receive resolutions, motions, and petitions. (10) Act upon unfinished business. (11) Appointment of members of standing Committees, Subcommittees of the Executive Committee. (12) New Business. (13) Good of the Legion. (14) Benediction. (15) Retirement of Colors.

Rule 8
Fiscal Policy

All matters of business affecting the fiscal policy of the Department outside the scope of mandates of the Department Conventions, including the making, cancellation, abrogation or modification of any contract to which the Department is a party, shall be considered and acted upon in accordance with the provision of Rule 3C.

Rule9
Procedure

- a. Letters and communications addressed to the Department Executive Committee or to the Department Commander, the Department Adjutant or any Department Officers and by them referred to the Department Executive Committee shall be read (or published to the members if such be of import) by the Department Adjutant. Such letters or communications shall be disposed of in one of the following ways:
 1. By a motion to accept. Such motion shall have the effect of approving the subject matter and should include specific instructions for further disposition, i.e., by directions to the Commander, Adjutant or other proper Officer; by reference to an appropriate Committee or other proper instruction.
 2. By a motion to receive and file. Such motion shall denote neither approval nor disapproval of the subject matter and shall require no action on the part of the Department Officers or others beyond a formal reply should such be required.
 3. By a motion to reject or decline. Such motion shall mean disapproval and should include specific instructions for further disposition as contemplated in paragraph 1 above.
- b. Reports of Committees or Subcommittees of the Department Executive Committee shall be received and shall then be subject to disposition on the following motions:
 1. To approve the report. Such action shall constitute approval of the statements made in the report subject to the procedure outlined in Rule 3C of the rules of this committee.
 2. To receive and file the report. Such action shall constitute only a routine disposition of the report.
 3. To re-commit the report. Such action shall return the report to the Committee or Subcommittee for further study and report may be accompanied by specific instructions.
 4. To commit the report to a special Subcommittee of the Department Executive Committee. Such action shall contemplate specific study and such Subcommittee shall return the report with recommendations.
 5. To commit to the Committee of the Whole. Upon adoption of such motion the Department Executive Committee shall resolve itself into a Committee of the Whole and may thereafter alter or amend the report in whole or in part. The results of such action, however, shall again be submitted to the Department Executive Committee for final disposition.

A negative vote on Motion 1 shall automatically cause the report to be received and filed.
- c. Any members of the Department Executive Committee shall be privileged to present a resolution in his own right in any of the following ways:
 1. Under a proper order of business, in which case the subject matter thereof shall be germane.

(Rule 9- Procedure / Cont'd.)

2. Under new business.
 3. Upon unanimous consent of the Department Executive Committee at an appropriate interval in the order of business.
 4. Under a suspension of the rules.
- d. Matters emanating from the Counties, Posts or from other sources and from The American Legion Auxiliary shall be defined and classified as:

1. LEGION SPONSORED MATTERS

- a) Resolutions of properly constituted American Legion organization, to wit: Posts and intermediate bodies (which have been approved by their County Convention or County Executive Committee), Department Executive Committee, or Department Convention.
- b) Official communications or directives of the Department Commander.
- c) Official communications of Department Officers of The American Legion.

2. OFFICIAL MATTERS

Official matters are those which originate with The American Legion Officers or Officials such as Commander or other officers of Posts, Intermediate bodies, County or President of the Department organization of The American Legion Auxiliary.

3. GENERAL MATTERS

General matters are those which originate with individual members of The American Legion, individual citizens or as a result of communications from organizations or their officials not affiliated with The American Legion or from agencies of Government. Such matters shall be disposed of as follows:

Whenever matters or communications are received at Department Headquarters of The American Legion, the Department Adjutant shall analyze the subject and take action with the provision that any action taken by the Department Adjutant shall be reported to the Department Commander.

- a.) Determine, in accordance with his good judgment, whether or not such matter or communication is basically administrative in nature, and if so, refer the matter to the appropriate Administrator, Director or Executive for disposition.
- b.) If in the judgment of the Department Adjutant the subject matter be primary in concern to or related to a program or function of the Department Committees, he shall refer the same to the appropriate Committee for action or for consideration by the Committee looking toward presentation to the Department Executive Committee.

(Rule 9-Procedure, item D / Cont'd.)

- c.) Matters which do not fall within the above classification or which in the opinion of the Department Commander or Department Adjutant involve questions of organizational policy of sufficient importance to be considered directly by the Department Executive Committee shall be referred to the Revised Legion Program Committee of the Department Executive Committee for disposition.
- d.) The Department Adjutant shall keep and maintain a register of all matters officially received from a County (i.e., from a County Convention, County Executive Committee) or sponsored by an Executive Committeeman, referred to a committee, and shall report these referrals to the Department Executive Committee in written form at the regular meeting of the Department Executive Committee in order that the Executive Committeemen from the respective counties shall be informed of the referrals previously made concerning matters which originate within their respective counties. This register will be continuous from meeting to meeting and continue to list a subject once placed thereon until it is reported as concluded.
- e.) Department Committees when submitting their reports to the Department Executive Committee shall include therein a record of the disposition of all matters previously referred to them and shall designate each by its register number if in that category.

Resolutions referred to Committees and upon which such Committee shall have acted in an administrative or in such other manner or shall satisfy the reason of the resolution need only be reported to the Department Executive Committee as to disposition. Resolutions referred to Committees for study and report and referred by such committees to the Department Executive Committee for final action shall be filed with the Policy Committee.

Rule 10 Form of Resolution

- a. Resolutions which shall be offered as the direct action of the Department Executive Committee shall be prepared in appropriate form containing such informative preamble in the form of "Whereas" followed by statements of fact and shall conclude with a resolving clause or clauses which shall specifically set forth what statement or declaration is to review action of the Department Executive Committee. Such Resolutions or clauses shall contain the following leading language:

"Resolved, By The Department Executive Committee of The American Legion in regular (or special) meeting assembled in Trenton, N.J. (or other place), on (date or dates) that, etc... and Be It

"Further Resolved, That, etc."

- b. Resolution of County Conventions or County Executive Committees shall be similarly acted upon by the Department Executive Committee in the form of a final Resolving clause as:

"And Be It Resolved, by the Department Executive Committee in regular (or special) meeting assembled in Trenton, N.J. (or other place), in (date or dates) That, etc."

Rule 11
Suspension of Rules

No standing rule or order of the Department Executive Committee shall be suspended except by a vote of two-thirds of all members present.

Rule 12
Robert's Rules of Order to Govern

Except as otherwise herein specifically provided, Robert's Rule of Order, Revised, shall govern.