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September 22, 2023

Mr. Robert D. Cox, Adjutant
Department of Virginia
Disabled American Veterans
P.O. Box 7176
Roanoke, VA 24019

EIN: 54-0697376

Dear Adjutant Cox:

The Bylaws for the Department of Virginia is hereby approved as of this date.

A copy of this document is being returned to the Department and a copy is also being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

Michael E. Dobmeier
National Judge Advocate

MED:cmb
Enclosure

BYLAWS

ARTICLE I DEPARTMENT CONVENTION

SECTION 1-1: AUTHORIZATION

Para 1: The Department of Virginia shall hold a Department Convention between May 1st and June 30th annually. The Convention shall operate under the rules adopted by the Department Executive Committee (DEC) and submitted to the Convention for ratification. The Convention shall be in the vicinity where the National Service Office is located allowing more accessibility for members to attend the DSO/CSO training and accessibility to the NSO office. Site selection shall be made two (2) years in advance. The DEC is authorized to waive the two (2) year provision if mitigating circumstances exist to prevent a Convention being held at a previously approved site.

SECTION 1-2: COMPOSITION

Para 1: The Convention shall be composed of the Department Executive Committee Persons and the delegates and alternates representing the Chapters under the jurisdiction of the Department of Virginia.

Para 2: Each Chapter will be entitled to one (1) delegate and one (1) alternate for each fifteen members or portion thereof. These delegates or alternates are exclusive of the Department Executive Committee Persons who are also Convention Delegates. All Chapter delegates and alternates shall be elected by their respective Chapters at least fifteen (15) days prior to the Convention, or as directed by the DEC and shall be reported at least seven (7) days prior to the Convention on forms supplied by the Department Headquarters.

SECTION 1-3: PURPOSE

The Convention shall be held to:

1. Elect Department Officers.
2. Receive reports from Department Officers, committees, instrumentalities, and other elements as deemed appropriate.
3. Adopt and amend the Constitution and Bylaws of the Department and other Department regulations governing the organization, administration and operation of the Department or member Chapters.
4. Honor outstanding performance of DAV members.
5. Honor outstanding contributions to disabled veterans and to the DAV by non-members.
6. Conduct such other business as may be properly brought before the Convention in the form of resolutions and main motions.

SECTION 1-4: VOTING

Para 1: Voting shall be via voice, except when a roll call vote is demanded by the presiding officer or at least one (1) delegate from five (5) Chapters. The election of Department Officers shall be by roll call; however, vote may be via voice if there is no contest.

Para 2: Each elected Department Officer, Department Executive Committeeperson, Past Department Commander, and delegate shall be entitled to one (1) vote, except that in the event any chapter delegation is entitled to cast more votes than the number of delegates present, then the votes to which the delegations entitled shall be divided equally among those present.

Para 3: Only Chapters in good standing will be seated at the Annual Convention. A Chapter is considered to be in good standing if:

- (a) It is not under suspension.

- (b) It has no indebtedness to the Department of Virginia.
- (c) Current reports, as prescribed by the National and Department of Virginia Bylaws, are on file with the Department of Virginia.
- (d) Chapter Officers shall be elected and installed prior to the convening of the Department Annual Convention.

Para 4: No person shall be entitled to cast a vote unless that person is in good standing. No person shall cast a vote in more than one (1) capacity.

Para 5: Members in good standing shall be determined by the Department Headquarters which has possession of official documents from National Headquarters on the membership of each Chapter.

SECTION 1-5: QUORUM

A quorum shall be comprised of a majority of the delegations of those registered for the convention.

SECTION 1 -6: RULES OF THE CONVENTION

Rule 1: Robert's Rules of Order, revised, will govern except as hereinafter specifically stated, and when not in conflict with the Disabled American Veterans Constitution and Bylaws and the Rules of the Convention.

Rule 2: For the purpose of recognition, a member of the Convention must (a) address the chair as Comrade Commander; (b) state name and chapter or title; (c) proceed only after recognition from the chair.

Rule 3: Debate on any question shall be limited to five minutes for each speaker except by consent of two-thirds of the delegates present.

Rule 4: Not more than two (2) representatives from any one Chapter shall be permitted to discuss any one subject except by a two-thirds (2/3) consent.

Rule 5: Recognition shall be granted only once to any one speaker on any one subject. A rebuttal of not more than two minutes may be permitted. Additional recognition may be granted by two-thirds (2/3) consent.

Rule 6: No person who has spoken for or against any motion, resolution or report on the Convention floor shall be permitted to make a motion to table. A motion to table is not debatable and shall require a majority affirmation vote. A tabled motion may be taken from the table for reconsideration by a majority vote.

Rule 7: All resolutions shall be submitted to the office of the Department Adjutant and Executive Officer in electronic form, signed by the sponsoring Chapter or Department Committee, not later than 14 days prior to the opening of the Department Convention. The Department Adjutant and Executive Officer will submit resolutions to the Resolution Committee for review prior to the opening session of the convention. The Department Adjutant and Executive Officer will determine the time and place of the Resolution Committee meeting(s) and notify the chairperson/members. The Resolution Committee shall meet on the first day of the Convention, if possible.

Rule 8: Standing Committees of the Department will be considered Convention Committees during the Convention. Convention Committees may originate and sponsor such resolutions as they desire as long as they pertain to the subject to which the committee is charged.

Rule 9: All resolutions must be signed by all committee members present whether approved or rejected.

Rule 10: All committee reports will be typed or written and signed by the committee members and provided to the Adjutant and Executive Officer after the final report of the committee.

Rule 11: A resolution may not be discussed by the convention until it has been reported by the responsible convention committee except by unanimous consent.

Rule 12: Resolutions referred to but not favorably reported by such committee are in order and may be called up for consideration by proponents at the moment of discharge of the committee.

Rule 13: If the resolution under consideration relates to change of the Constitution and Bylaws, it may not be considered unless the proponent had it read at the time the resolutions favorably reported by the Constitution and Bylaws Committee were read to the Convention.

Rule 14: Resolutions and mandates adopted at the Convention shall be effective only until the next Convention, unless readopted at such Convention.

Rule 15: All personal grievances and claims of members with respect to their personal interests shall be submitted to the committee having jurisdiction thereof, and the committee shall report to the Convention. An appeal may be taken to the Convention in the event of an adverse decision.

Rule 16: Voting shall be via voice, except when a roll call is demanded by the presiding officer or at least one (1) delegate from five (5) Chapters, except in the election of Department Officers; however, vote may be via voice, if there is no contest.

Rule 17: Each Chapter delegation shall elect a chairperson who shall announce the vote of the delegation. When a poll of any delegation is demanded by a delegate thereof entitled to vote, the chairperson shall poll the vote of such delegation without debate or discussion.

Rule 18: In the case any delegation is entitled to cast more votes than the number of delegates present, the votes of those absent shall be cast in the same proportion as the votes of those present.

Rule 19: No person shall be entitled to vote or act as a delegate or alternate unless that individual is a member of the Disabled American Veterans in good standing in the Department of Virginia.

Rule 20: No Department officer, Past Department Commander, Department Executive Committee Person or Chapter delegate may be permitted to vote unless he/she has paid the registration fee.

Rule 21: The voting strength of each Chapter will be determined on the basis of the membership in good standing as of the last day of the preceding month in which the Convention is held.

Rule 22: Roll call voting shall be numerical beginning with the lowest numbered Chapter in ascending numerical order in even-numbered years and in descending numerical order beginning with the highest numbered Chapter in odd-numbered years. The At-Large Chapter is not entitled to voting privileges.

Rule 23: The final report of the Credentials Committee, the report of the Nominating Committee, and the election of Department officers, in that order, shall begin no earlier than 1:00 PM or later than 3:00 PM on the last day of the Convention.

Rule 24: The ruling of the Credentials Committee as to the right to vote will be final unless a majority vote of the delegates present shall decide otherwise.

Rule 25: Nominations for Department officers shall be made by the Nominating Committee and from the floor.

Rule 26: Only one nominating speech of five (5) minutes and one seconding speech of three (3) minutes shall be permitted for each candidate for any elective office.

Rule 27: In the event more than two (2) candidates are nominated for the same office, and one candidate does not receive a majority of the votes cast by the Convention on the first ballot, the top two (2) candidates only will be eligible for subsequent ballot.

Rule 28: Department officers will be installed at the annual banquet held in the evening of the same day as the election of Department officers.

Rule 29: The Rules of the Convention may be suspended only by a majority vote of the delegates present and voting.

Rule 30: The proceedings of the convention will be recorded on magnetic tape or durable electronic archival equipment which will be deposited in the records of the Department and retained for a period of five (5) years. Typewritten Minutes of the Convention indicating the Record of Motions, i.e., the motion, any amendments, the maker, and the vote on the main motion and amendments will be made available to each Chapter within sixty (60) days following the close of the Convention.

Rule 31: These Rules of Convention may be amended by a two-thirds majority vote at the first business session of the Convention.

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ARTICLE II OFFICERS

SECTION 2-1: ELECTED OFFICERS

Para 1: The elected officers of the Department of Virginia shall be the Commander, the Senior Vice Commander, the First Junior Vice Commander, the Second Junior Vice Commander, the Judge Advocate, and the Chaplain. The officers' rank in the order listed and shall perform the duties prescribed in the Constitution and Bylaws of this Organization.

Para 2: The officers shall be elected by roll call of the Department Convention with the chairperson of each delegation declaring the votes of the delegation. When only one (1) nominee is on the ballot, the chair may take a voice vote or may declare that the nominee is elected.

Para 3: Elected officers shall serve a term of one (1) year, except as otherwise expressly provided for elsewhere in these Bylaws, or until their successors are installed, and the term of office shall begin at their installation. Installation of officers will be as prescribed in the official ritual of the Disabled American Veterans.

Para 4: No member shall hold more than one (1) elective office at one time.

Para 5: No line officers: Commander, Senior Vice Commander, First Junior Vice Commander, and Second Junior Vice Commander may be members from the same Chapter.

Para 6: Each of the member Chapters comprising the Department of Virginia shall elect or appoint a member who will represent the Chapter on the DEC of the Department. The member shall have the title of Department Executive Committee Person and shall be classed as an officer of the Department with voting privileges as a member of the DEC and shall take office at the DEC meeting conducted after adjournment of the Convention.

Para 7: In the event that the office of Commander becomes vacant for any reason, the Senior Vice Commander shall become the Acting Commander. The Department Headquarters shall notify the DEC of the vacancy within ten (10) days and set a date for the DEC to meet and elect a Department Commander.

Para 8: In the event of a vacancy in the other elective offices, the Commander shall appoint a member of the Department to fill the vacancy. This appointment will be subject to approval of the DEC at its next regularly scheduled meeting, at a Special Meeting, or through the conduct of a mail ballot.

Para 9: Any elected officer can be removed from office for cause, that is, misconduct or neglect of duty in office, by utilizing the procedures set forth in ARTICLE 16 of the National Constitution and Bylaws of the Disabled American Veterans. Any vacancy created as a result of this Paragraph will be filled as prescribed in ARTICLE II, SECTION 2-1, Paragraph 7 or 8 of these Bylaws.

SECTION 2-2: DUTIES OF ELECTED OFFICERS

Para 1: COMMANDER

Para 1.1: The Department Commander shall be the presiding officer of the Department of Virginia Convention and DEC meetings. The Commander shall be the public spokesperson for the Department and fulfill the duties as prescribed by the National and Department Bylaws.

Para 1.2: The Department Commander is responsible for appointing the appropriate number of members to the standing and convention committees of the Department with the exception of the Finance Committee and the Nominating Committee. The Commander shall serve as an ex-officio member on all committees

except the Nominating Committee, which shall be elected by the DEC. Such appointments shall be subject to the concurrence of the DEC.

Para 1.3: The Department Commander shall serve as the Department of Virginia delegate to the Disabled American Veterans National Convention.

Para 1.4: The Department Commander shall serve as the Executive Agent for the Department of Virginia for the purpose of executing leases, agreements, and other legal documents.

Para 1.5: The Commander shall submit an interim report at the 2nd and 3rd DEC meetings and an annual report to the Department Convention, outlining activities for the year.

Para 2: SENIOR VICE COMMANDER

Para 2.1: The Senior Vice Commander, in addition to other prescribed duties, is responsible for monitoring and coordinating the Department fund raising activities.

Para 2.2: The Senior Vice Commander will be an ex-officio member of the Finance Committee and will ensure that the mandates of those organizational elements are met. The Senior Vice Commander shall assist in establishing the Department fundraising program(s) and ensure that monies received are forwarded to the Department Treasurer and projections of receipts are forwarded to the Finance Committee.

Para 2.3: The Senior Vice Commander shall review requests for Chapter fund raising activities and, if required, forward the approved request to the National Organization. If a request is disapproved by the Senior Vice Commander, the Chapter may appeal to the Finance Committee. Requests requiring prior approval by the National Executive Committee shall be approved by the Department.

Para 2.4: The Senior Vice Commander shall submit an interim report at the 2nd and 3rd DEC meetings and an annual report to the Department Convention, outlining activities for the year.

Para 3: FIRST JUNIOR VICE COMMANDER

Para 3.1: The First Junior Vice Commander, in addition to other prescribed duties, is responsible for monitoring and coordinating the Department Legislative Program.

Para 3.2: The First Junior Vice Commander will be an ex-officio member of the Legislative Committee and will ensure that the mandates of that committee are met. The First Junior Vice Commander shall assist in the preparation of the Department Legislative Program, and ensure that this program is presented before the governing bodies of the Commonwealth of Virginia; shall review legislation on a Federal level for submittal to the Department Convention and subsequent submittal, if approved, to the National Convention and ensure that Legislative Action Programs are established and maintained by all Chapters.

Para 3.3: The First Junior Vice Commander will be responsible for providing oversight of Department legislative activities/functions at the Mid-Winter Conference.

Para 3. 4: The First Junior Vice Commander shall submit an interim report at the 2nd and 3rd DEC meetings and a report to the Department Convention indicating the results of the Department Legislative Program during the year in office.

Para 3. 5: The First Junior Vice Commander shall ensure that suspension or revocation of a Chapter charter is done in compliance with the Department Constitution and Bylaws and Article 6 of the National Bylaws.

Para 4: SECOND JUNIOR VICE COMMANDER

Para 4.1: The Second Junior Vice Commander, in addition to other prescribed duties, is responsible for monitoring and coordinating the Department Membership Program.

Para 4.2: The Second Junior Vice Commander will be an ex-officio member of the Membership Committee and will ensure that the mandates of that committee are met. In that regard, the Second Junior Vice Commander will ensure the Department establishes a program for the recruitment of new members in addition to programs carried out by the National Organization and the individual Chapters of the Department. In addition, the Second Junior Vice Commander shall assist in the formation of new Chapters within the Department.

Para 4.3: The Second Junior Vice Commander shall submit an interim report at the 2nd and 3rd DEC meetings and a report to the Department Convention indicating results from the Department Membership Recruitment Program during their year in office.

Para 5: THE JUDGE ADVOCATE

Para 5.1: The Judge Advocate shall, in addition to other prescribed duties, be the legal advisor to the Department. At the request of the Commander or upon motion from the floor at DEC Meetings or the Convention, the Judge Advocate shall render an opinion on procedure. This opinion is not binding and the Commander may overrule the opinion. If there is an appeal of the final decision, the Judge Advocate shall forward all information concerning the issue through the Department Headquarters to the National Organization for review by the National Judge Advocate.

Para 5.2: The Judge Advocate shall review and approve all new or amended Chapter Constitution and Bylaws within the Department of Virginia, ensuring consistency with Department and National Organization Constitution and Bylaws, and NEC Regulations.

Para 5.2.1: A Chapter shall submit THREE copies of the Constitution and Bylaws, and ONE copy of the meeting minutes when the changes were first read, and ONE copy of the meeting minutes that document the second reading and vote of approval. The minutes must reflect that a quorum was present.

Para 5.2.2: The Judge Advocate shall endorse the Chapter Constitution and Bylaws (approve, disapprove, or recommend changes) in a cover letter, and forward to the DAV National Judge Advocate for final approval. ONE copy of the Chapter Constitution and Bylaws, and the cover letter, shall be retained by the Judge Advocate.

Para 5.2.3: The Judge Advocate shall, as soon as possible, review, endorse and submit the official new, or changes to, a Chapter Constitution and Bylaws.

Para 5.2.4: A Chapter shall amend the Constitution and Bylaws as necessary to ensure the information contained therein is kept current. A bi-annual review is encouraged.

Para 5.2.5: Constitution and Bylaws development guidance is available on the Department of Virginia website. Further, the Judge Advocate will provide guidance to a Chapter during development of the Constitution and Bylaws, to include a preliminary unofficial review before the official submission. Any such request must be made prior to presenting the document to the Chapter body for review. Once the Chapter body reviews and votes on the document, an informal review is not available. Contact the Judge Advocate for help, as needed.

Para 5.3: The Judge Advocate must be knowledgeable of the Department Constitution and Bylaws and the National Constitution and Bylaws and be prepared to

notify the Department Commander if there is any inconsistency.

Para 5.4: The Judge Advocate shall be an advisor to the Constitution and Bylaws Committee.

Para 5.5: The Judge Advocate shall submit an interim report at the 2nd and 3rd DEC meetings and an annual report to the Department Convention, outlining activities for the year.

Para 6: CHAPLAIN

Para 6.1: The Chaplain shall, in addition to other prescribed duties, retain custody of the Department Bible, Altar and Altar Cloth, and Black Crepe Cloth. At each meeting of the DEC and the Convention, the Chaplain will perform the duties of the station as set forth in the Official Ritual of the DAV.

Para 6.2: The Chaplain shall render appropriate remembrances to members who are sick and to their families in the event of a member's death.

Para 6.3: The Chaplain will prepare and lead all Memorial Services.

Para 6.4: The Chaplain shall submit an interim report at the 2nd and 3rd DEC meetings and an annual report to the Department Convention, outlining activities for the year.

Para 7: IMMEDIATE PAST DEPARTMENT COMMANDER

The Immediate Past Department Commander shall:

Para 7.1 Be designated as such by completing three fourths (3/4) and one (1) day of the term as Department Commander, with the exception of death or incapacitating illness or injury.

Para 7.2: Perform duties as assigned.

Para 7.3: Serve as the Department of Virginia alternate delegate to the Disabled American Veterans National Convention. If the immediate Past Commander is unable to serve in this capacity, the DEC will appoint a delegate prior to the close of the Department Annual Convention.

SECTION 2-3: APPOINTED OFFICERS

Para 1: With the consent and approval of the DEC, the Commander shall appoint a Department Treasurer, Department Inspector, Officer of the Day, Sergeant at Arms and such other officers as may be deemed necessary.

Para 2: The tenure of appointed officers shall be at the pleasure of the appointive power, provided that no term of office shall exceed that of the appointive power, except as otherwise expressly provided for elsewhere in these Bylaws.

Para 3: Any appointed officer can be removed from office for cause, that is, misconduct or neglect of duty in office by utilizing the procedures as set forth in ARTICLE 16 of the National Bylaws of the Disabled American Veterans.

Para 4: In the event of a vacancy in any appointive office, the Commander shall appoint a member of the Department to fill the vacancy. This appointment will be subject to approval of the DEC at its next regularly scheduled meeting.

SECTION 2-4: DUTIES OF APPOINTED OFFICERS

Para 1: DEPARTMENT TREASURER

Para 1.1: The Department Treasurer, in addition to other prescribed duties, shall keep a complete financial record of all monies received, expended and remitted. The Treasurer shall deposit all funds received in the name of the Department of Virginia, Disabled American Veterans, Inc. in an insured account(s) as may be designated by the Finance Committee. The Treasurer shall receive compensation commensurate with the assigned duties. The Treasurer shall be appointed by the Department Commander and the term of office shall be for one year, expiring with the installation of the succeeding Treasurer.

Para 1.2: The Treasurer shall submit an itemized report at the 2nd and 3rd DEC meetings and at the Convention showing all received and disbursed funds.

Para 1.3: The Treasurer shall prepare for an audit of the Department accounts to be conducted at the close of the accounting year. A report of the audit shall be submitted by the Department to the National Organization and to each Chapter of the Department of Virginia within ninety (90) days after the end of the accounting year. The report shall, regardless of generally accepted accounting procedures, specify and itemize the precise expenditure of all funds of the Department during the reporting period.

Para 1.4: All checks issued by the Department shall be co-signed by the Treasurer and the Department Commander or the Senior Vice Commander in the absence of the Commander. In the event of incapacitation of the Department Treasurer, the Finance Committee Chairperson will be authorized to sign checks in the Treasurers' stead. Demand for all payments of account in the Department of Virginia will be presented to the Treasurer through the Finance Adjutant on a Department approved voucher which will indicate the payee, the budget line item, the amount of the expenditure, the date expended and the precise purpose of the expenditure. Broad and general classifications will not be deemed acceptable and may result in non-payment of the voucher. All vouchers will be accompanied by receipts, invoices, or other evidence of payment in advance, or will contain the statement that the payment is an advance payment and that the appropriate documents will be submitted within ten (10) days after obligation.

Para 1.5: The Treasurer shall be an ex-officio member of the Department Finance Committee without voting privileges.

Para 1.6: The Treasurer shall ensure the preparation of the Federal Tax Form 990 and such other tax forms as may be required each year by the Federal Director of the Internal Revenue Service and the Commonwealth of Virginia Department of Taxation by a Certified Public Accountant. Such forms are to be filed by the Department, in accordance with appropriate regulations.

Para 1.7: For the purpose of the budget and expenditures, the Department Accounting Year will run concurrent with the Membership Year, July 1 to June 30, with the books for the preceding year being closed within a reasonable period of time following June 30. All vouchers for payment in any accounting year must be forwarded to the Finance Adjutant by July 30 to ensure that the Treasurer has sufficient time to close the books and prepare for audit.

Para 2: DEPARTMENT INSPECTOR

The Department Inspector shall, under the supervision of the Department Commander, investigate any alleged violation of the National Constitution and Bylaws and the Constitution and Bylaws of the Department of Virginia, including but not limited to occurrences in the Department or Chapters, which may impugn the integrity or reputation of the Department. The

Inspector shall report the findings and recommendations in writing to the Department Commander, through the Department office.

Para 3: OFFICER OF THE DAY

The Officer of the Day shall, in addition to other prescribed duties, receive the National and Organizational colors and accouterments. The Officer of the Day shall be responsible for having these items at each DEC meeting and Convention and be responsible for placing them in their proper places prior to the convening of the meeting. The Officer of the Day shall take the proper position at the right of the Altar during annual installation of newly elected officers.

Para 4: SERGEANT-AT-ARMS

Para 4.1: The Sergeant at Arms, in addition to other prescribed duties, shall preserve order during meetings of the Department and upon direction of the Commander shall escort visitors to the podium.

Para 4.2: During meetings of the Convention, the Sergeant-at-Arms shall admit only those persons who are properly registered and identified as delegates or guests.

Para 4.3: During meetings of the DEC the Sergeant-at-Arms shall ensure that all Committee members are properly registered and identified.

Para 4.4: The Sergeant-at-Arms shall work with the Credentials Committee to meet prescribed objectives.

SECTION 2-5: DEPARTMENT ADJUTANT
/EXECUTIVE OFFICER

Para 1: The Adjutant / Executive Officer shall perform the duties as prescribed in the DAV National and Department of Virginia Constitution and Bylaws.

Para 1.1: The Adjutant / Executive Officer may serve as the Department Treasurer.

Para 1.2: The Adjutant / Executive Officer may be compensated in accordance with the contract required in Para 3 of this section.

Para 2: The Adjutant / Executive Officer shall be a member in good standing of the DAV and the Department of Virginia.

Para 3: The Adjutant / Executive Officer may execute an up to 5-year employment agreement with the Department of Virginia, subject to the provisions of such agreement.

Para 4: Selection as Adjutant / Executive Officer will be by application and applications will be reviewed by a special committee with selection approval by the DEC.

Para 5: The Adjutant / Executive Officer shall be under the supervision of the Department Commander with oversight by the DEC.

Para 6: The duties of the Adjutant / Executive Officer shall include but are not limited to:

Para 6.1: The Department Adjutant / Executive Officer will maintain a business office for the Department of Virginia. This office shall be the focal point for all activities of the Department of Virginia and will function as the Department Headquarters.

Para 6.2: The Department Adjutant / Executive Officer shall be responsible for the day-to-day administrative functions of the Department of Virginia.

Para 6.3: The Department Adjutant / Executive Officer will ensure compliance with the laws and regulations of the Commonwealth of Virginia and the Federal Government.

Para 6.4: The Department Adjutant / Executive Officer will be the office of record for the permanent files of the Department of Virginia. For those files maintained out of the physical confines of the Department Headquarters, the Department Adjutant and Executive Officer will ensure adequacy of storage and sufficiency of security.

Para 6.5: The Department Adjutant / Executive Officer will maintain the property records for the Department of Virginia.

Para 6.6: The Department Adjutant / Executive Officer will ensure review for adequacy and sufficiency of all contracts, agreements, leases, and other legal documents relating to the Department of Virginia prior to forwarding for execution by the Department Commander. (Except the Adjutant and Executive Officer's Contract)

Para 6.7: The Department Adjutant / Executive Officer will function as the supervisor of the Department Newspaper and website.

Para 6.8: The Department Adjutant / Executive Officer shall assist the Department Inspector, with supervision by the Department Commander.

Para 6.9: The Department Adjutant / Executive Officer will monitor the activities of the officers, committees, instrumentalities, and Chapters to ensure compliance with Department and National Bylaws, regulations, and mandates and to provide support as required.

Para 6.10: The Department Adjutant / Executive Officer will be responsible for the planning, organization, and execution of Department Conferences and Conventions. Such expenses of this task shall be borne by the Department of Virginia.

Para 6.11: The Department Adjutant / Executive Officer may attend the following DAV functions and coordinate Department activities at these events:

- (a) DAV National Convention
- (b) DAV Mid-Winter Conference
- (c) DAV 6th District Meeting
- (d) National Disabled Veterans Winter Sports Clinic
- (e) National Disabled Veterans Golf Clinic

Para 6.12: The Department Adjutant / Executive Officer will maintain the Seal, Charter, and Flags of the Department of Virginia.

Para 6.13: The Department Adjutant / Executive Officer will accept other duties as commensurate with the position, as required by the Department Commander or the DEC.

Para 6.14: A job description with measurable performance standards will be developed and reviewed by the Board of Directors, excluding the Adjutant / Executive Officer, at the convention.

Para 1: The Department Office Manager shall be a compensated employee of the Department of Virginia, and work a minimum of 25 hours per week.

Para 2: The Department Office Manager shall not be related to the Adjutant / Executive Officer.

Para 3: The Department Office Manager shall execute a 1 (one) year or less annual contract which ends June 30th each year with a 60-day probationary period. No probationary period will be required if the contract is renewed.

Para 4: The Department Office Manager will be under the direct supervision of the Adjutant / Executive Officer with oversight provided by the Department Commander.

Para 5: The Department Office Manager will complete a monthly time sheet that will be certified by the Adjutant / Executive Officer.

Para 6: The duties of the Department Office Manager will be defined in the contract.

Para 7: After the probationary period, the Department Office Manager can be removed for cause by a majority vote of the DEC or with 45 days written notice by the Department Secretary.

ARTICLE III DEPARTMENT EXECUTIVE COMMITTEE

SECTION 3-1: MEMBERS

Para 1: The DEC shall be composed of the elected officers of the Department, the Past Department Commanders, and one Department Executive Committee Person from each of the member Chapters.

Para 2: Each Chapter shall advise the Department Headquarters in writing as to the designation of the Department Executive Committee Person and Alternate. These designations will be reported following the election of officers by the Chapter on forms provided by the Department Headquarters. Any change in the designation of the Department Executive Committee Person must be made in writing by the Chapter Commander or Chapter Adjutant to the Department Headquarters.

SECTION 3-2: POWERS

Para 1: The DEC shall have oversight of the affairs of the Department between conventions. This shall include all legislative, administrative, and executive matters not otherwise specifically covered by the provisions of these Constitution and Bylaws or by any enactment of the Department Convention. The committee may adopt Regulations and Statements of Policy to effectuate both the intent of its determinations and the intent of these Bylaws. The committee shall be subject to the orders of the general membership and none of its actions shall conflict with those taken by the membership in convention.

Para 2: The DEC, in session, shall review the proposed annual operating budget of the Department and forward the same, with recommendation to the Convention for action. In the event an annual budget is not approved by the general membership in convention, that responsibility reverts to the committee at its first meeting following adjournment of the annual convention.

Para 3: Acting on recommendations of the Time and Place Committee, to the Finance Committee, the DEC shall determine the registration fees for Department meetings and

notice of such fees shall be specified in the Budget Guidelines approved by the Convention.

SECTION 3-3: MEETINGS

Para 1: The DEC shall be required to meet four (4) times each year to conduct business of the Department as follows:

(a) The 1st DEC shall be held within twenty-four (24) hours following the adjournment of the Convention. This meeting will be held at the Convention site.

(b) The 2nd DEC shall be held during the Fall Conference (October-November) at the site selected by the Time and Place Committee and approved by the DEC.

(c) The 3rd DEC shall be held during the Spring Conference (February-March) at the site selected by the Time and Place Committee and approved by the DEC.

(d) The 4th DEC shall be held within twenty-four (24) hours preceding the convening of the Convention. This meeting will be held at the Convention site.

Para 2: The Time and Place Committee shall select sites for the meetings based on the availability and cost of accommodations and ensure that the site is accessible to the handicapped and in compliance with the Americans with Disabilities Act.

Para 3: During the Fall and Spring Conferences, all business sessions of the DEC shall be scheduled on Saturday between the hours of 9:00 AM and 4:00 PM.

Para 4: The Department Commander may schedule special meetings of the DEC at any time, except during the Convention. Special meetings of the DEC may be called at the request of **TEN (10)** Chapters. Written notice of special meetings of the DEC must be forwarded to each Department Executive Committee Person at least ten (10) days prior to the meeting, specifying the purpose of the meeting.

Para 5: Training classes, information lectures, social activities and committee meetings will be scheduled as part of the Spring and Fall Conferences, but not during the time period when the DEC is in session.

SECTION 3-4: QUORUM

A quorum for regular and special meetings of the DEC is established as **(10) Department Executive Committee Persons** representing Chapters and a minimum of three **(3) elected Department Officers**.

SECTION 3-5: MAIL BALLOTS

Para 1: The regular business of the Department requiring the consideration of the DEC between stated meetings shall be transacted through the Department Headquarters by means of mail or electronic ballots.

Para 2: Mail ballots shall be forwarded to each member of the DEC and will include a clear statement of the issue.

Para 3: A mail ballot will normally allow 14 days for consideration by the Department Executive Committee person and returned to the Department Headquarters either by mail, telegram, or facsimile.

Para 4: A mail ballot shall be considered as passed if the majority of the returned ballots are in the affirmative.

SECTION 3-6:

ATTENDANCE

Para 1: Any member of the Disabled American Veterans in good standing in the Department of Virginia may attend meetings of the DEC. This right to attend such meetings includes the right to voice an opinion when recognized, but does not include the right to move or second the adoption of any matter or to vote on any issue.

Para 2: An exception to Para 1 above is a closed special DEC meeting. Attendance is limited to only persons who have a vote on DEC matters or by specific invitation from the Department Commander.

ARTICLE IV COMMITTEES

SECTION 4-1:

STANDING COMMITTEES

Para 1: The Department of Virginia, Disabled American Veterans, shall operate from one Convention to the next Convention by committees which will have standing authority to act for the Department as prescribed by these Bylaws.

Para 2: Following are the Committees that will be considered Standing Committees and have an ongoing function throughout the year. During the Convention, they will be considered Convention Committees.

- (a) Audit Committee
- (b) Awards Committee
- (c) Constitution and Bylaws Committee
- (d) Emergency Relief Committee
- (e) Employment Committee
- (f) Finance Committee
- (g) Grievance Committee
- (h) Homeless Veterans Committee
- (i) Incarcerated Veterans Assistance Committee (IVAC)
- (j) Legislative Committee
- (k) Membership Committee
- (l) Social Media Committee
- (m) Time and Place Committee
- (n) Women Veterans Committee

SECTION 4-2:

COMPOSITION AND APPOINTMENT

Para 1: Each committee shall be composed of between three (3) and six (6) members, appointed by the Department Commander with the concurrence of the DEC following election, except as provided in these Bylaws. The members of the Finance Committee will be elected in accordance with ARTICLE IV, SECTION 4-4 of these Bylaws. The Grievance Committee shall consist of at least two Past Department Commanders.

Para 2: One committee member will be appointed as the Chairperson Pro Tem. The function of the Chairperson Pro Tem is to convene the committee after appointment and elect the permanent chairperson. The chairperson shall advise the Department Headquarters, within fifteen (15) days following appointment, of the name of the chairperson, the names and addresses of its members and its meeting schedule for the year.

Para 3: At no time shall more than one (1) member from a Chapter be appointed or elected to the Finance Committee, Audit Committee, Constitution and Bylaws Committee and Grievance Committee. An elected or appointed officer, as designated in ARTICLE II of these Bylaws, should not be appointed to a committee other than those officers as designated in ARTICLE II who will serve in an ex-officio capacity.

Para 4: Chapter commanders shall notify the Department Headquarters of those Chapter members who are qualified and have agreed to serve on a specific committee. Committee recommendations will be made on the appropriate Department form(s).

Para 5: In the event of the removal of a committee member, the chairperson will advise the Commander, and the Commander will appoint a replacement. The appointment of the replacement shall be ratified at the next meeting of the DEC.

SECTION 4-3: COMMITTEE REPORTS

Para 1: Standing Committees shall meet prior to the DEC meeting scheduled for the Fall Conference and develop its program of action for the year. At the 2nd DEC Meeting the committee shall provide a report of its program of action.

Para 2: At the 3rd DEC Meeting, each committee shall give a report on the progress the committee is making on its program.

Para 3: The chairperson shall give a final report of the Committees' activities at the Convention.

Para 4: All reports should be submitted electronically and will be maintained by the Department Headquarters as required.

Para 5: All committee Chairs shall submit all information pertinent to the Committee's duties, events and/or projects to the Social Media Committee. All committee Chairs shall, at least quarterly, review the committee webpage to ensure completeness and accuracy of information.

SECTION 4-4: DUTIES OF THE STANDING COMMITTEES

Para 1: AUDIT COMMITTEE

Para 1.1: The Audit Committee shall consist of four (4) members, one of whom shall be a member of the Finance Committee, other than the Finance Committee chairperson or Treasurer.

Para 1.2: Shall be responsible for the conduct of the Department audit of the DAV Annual Financial Report required by the National Bylaws.

Para 1.3: Shall be responsible for reviewing Chapter Annual Financial Reports (AFR) and providing the Chapter(s) appropriate feedback and recommendations.

Para 2: AWARDS COMMITTEE

Para 2.1: Shall be responsible for planning, purchase, and preparation of all awards of the Department of Virginia to be presented to members, Chapters, and organizations.

Para 2.2: May present the following Membership Awards at the Fall Conference

- (a) Individual Member Recruiting Most New Members
- (b) NSO Membership Recruiter of the Year
- (c) Chapter with Highest Numerical Increase in New Members
- (d) Chapter with Highest Percentage Increase in New Members

Para 2.3: May present the following awards at the Convention for Outstanding Achievement

- (a) Al Bartraw, Jr., Award for the Outstanding Disabled Veteran of the Year
- (b) Charlie Craft Lifetime Achievement Award
- (c) John Wesley King II Excellence in Leadership Award
- (d) Reggie Ruffin Homeless Veteran Assistance Award
- (e) Outstanding Local Veterans Employment Award
- (f) Outstanding Disabled Veterans Outreach Program
- (g) Outstanding CDCE Volunteer of the Year. Nominations will be accepted by each VAMC

Para 2.4: May present the following awards at the Fall Conference for Outstanding Achievement

- (a) Outstanding Chapter of the Year
- (b) W. Pat White Award for Outstanding Community Service – Chapter Award
- (c) W. Pat White Award for Outstanding Community Service – Individual Award
- (d) Emmanuel N Vlattas Award for Outstanding Volunteer Service
- (e) Phyllis B. Simmons Award for Outstanding Chapter Service Officer

Para 2.5: Shall establish other awards for recognition of achievement by Chapters and members of the Department of Virginia or organizations or individuals with the approval of the DEC.

Para 2.6: Shall not be responsible for purchase of awards other than those enumerated in these paragraphs or those approved by the DEC and shall ensure that when the DEC approves additional awards for any given year, they also allot funding for those awards.

Para 2.7: Shall establish criteria and procedures for the recognition of individuals and Chapters.

Para 2.8: Shall validate, on a decennial basis, the justification for continuing to honor specific individuals by attaching his/her name to specific Department of Virginia awards.

Para 3: CONSTITUTION AND BYLAWS COMMITTEE

Para 3.1: Shall be responsible for reviewing proposed changes to the Constitution and Bylaws of the Department of Virginia and presenting proposed changes to the delegates of the Convention for review and consideration by the body. Shall ensure that approved changes are submitted to the National Judge Advocate for final approval.

Para 3.2: Shall be responsible for review and submission to the Convention, for approval, proposed changes to the National Constitution and Bylaws with submission of approved changes to the National Convention.

Para 4: EMERGENCY RELIEF COMMITTEE

Para 4.1: The goal of the Emergency Relief Committee is to assist eligible veterans, their dependents and survivors who are confronted with emergency situations. A

dependent is defined as:

Para 4.1.1: Spouse – A person legally married to the veteran. (Common Law Marriages are not recognized in the Commonwealth of Virginia.)

Para 4.1.2: Child – Biological, legally adopted or under the court ordered guardianship of the veteran and under 18 years of age, unless a full-time student under the age of 23, or permanently disabled prior to attaining 18 years of age.

Para 4.1.3: Parent – The veteran is directly caring for, and the parent's income and net worth are below a specified amount, per the Department of Veterans Affairs regulations.

Para 4.1.4: Survivor – A legal dependent, as described above, at the time of the veteran's death.

Para 4.2: The committee shall investigate all requests for assistance, determine if an emergency exists, ascertain that all available resources have been exhausted including aid through local DAV Chapters and then, if in order, make appropriate recommendations to the Department Service Director (DSD).

Para 4.3: The Emergency Relief Committee Chair will maintain a detailed and confidential electronic case record on each claim for assistance and transfer the electronic case record to the Department Headquarters on an annual basis for retention.

Para 5: EMPLOYMENT COMMITTEE

Para 5.1: Shall be responsible for promoting an effective employment program on behalf of unemployed and underemployed disabled veterans in the Commonwealth of Virginia through existing sources, i.e., Virginia Employment Commission, Job Training Partnership Act, and other Federally funded veterans' programs.

Para 5.2: Shall review and coordinate or prepare employment related legislative proposals and resolutions prior to submission to the Legislative Committee.

Para 5.3: Shall coordinate with the Awards Committee and be the focal point for DAV National and Department employment related awards.

Para 6: FINANCE COMMITTEE

Para 6.1: The Finance Committee shall be composed of five (5) members, one (1) of which shall be the Department Treasurer. Two (2) of these members shall be elected for a term of one (1) year and two (2) members shall be elected for a term of two (2) years. Thereafter, each member shall be elected for a term of two (2) years. Election of these members shall take place at the DEC Meeting held during the Fall Conference.

Para 6.2: Following election, the members of the Committee shall elect from its membership, excluding the Treasurer, a chairperson who will serve in this capacity for a period of one (1) year.

Para 6.3: The Finance Committee shall prepare the annual budget allowing appropriations for elected and appointed officers individually and for each National Service Office serving the Department.

Para 6.4: The Finance Committee shall furnish a copy of the proposed budget to each DEC member at the 4th DEC meeting preceding the Convention and to each delegate of the Convention.

Para 6.5: The proposed budget shall be submitted to the DEC at the meeting immediately preceding the Convention for its recommendations. The budget shall then be presented to the Convention for approval. In the event that the Convention adjourns without adopting a budget, the DEC shall adopt the budget at its first meeting following the Convention.

Para 6.6: Neither the DEC nor the Convention shall adopt or approve any budget that provides for expenditures in excess of the estimated income for the Accounting Year involved, as determined by the Finance Committee, nor shall they approve any expenditure not included in the budget unless the motion also calls for transfer of funding from another account to cover the expense.

Para 6.7: The Finance Chairperson, upon written request of an officer or committee chairperson can make adjustments to accounts provided that:

- (a) The adjustment does not increase the total budget;
- (b) Approval of the officer or committee chairperson responsible for the account must approve the recommendation for adjustment; and
- (c) Ensure funds adjustment is not due to willful disregard of budget allowances or careless spending.

Para 6.8: The Committee shall assure that Department accounts are audited annually in conformance with the Bylaws of the National Organization and mandates established by the Department. One Member of the Finance Committee, other than the chairperson or Treasurer, shall be designated to serve on the Department Audit Committee.

Para 6.9: Finance Adjutant. Following election each year, the members of the Finance Committee shall elect from its membership, excluding the Treasurer, a Finance Adjutant whose duties will be as follows:

- (a) Shall receive, review, and approve all vouchers prior to submission to the Treasurer for payment.
- (b) Shall review the account and indicate on the voucher the funds remaining in the account.
- (c) Shall indicate on the voucher the amount that will remain in the account after the voucher has been paid.
- (d) Shall return to the requestor any voucher not supported by documentary requirements set forth in the guidelines.
- (e) In the event of incapacitation of the Finance Adjutant, the chairperson of the The Finance Committee will appoint a member of the Finance Committee to serve as interim Finance Adjutant.

Para 6.10: Shall notify the DEC of the Department fundraising programs and initiate, coordinate, and secure approval from the National Executive Committee for all Department fundraising activities.

Para 6.11: Shall ensure that all receipts of Department fundraising programs are placed in the possession of the Department Treasurer.

Para 6.12: Shall report to the Convention total income received from all Department fundraising activities.

Para 6.13: At the request of a Chapter, shall review requests for Chapter fundraising activities denied by the Senior Vice Commander and approve or disapprove the fundraising activity on its merits. This decision by the Senior Vice Commander can be overruled only at the request of the Chapter by the DEC.

Para 6.14: The Finance Committee, subject to approval by the Department Convention or the DEC, may direct reserve funds be placed in low-to-moderate risk investments in order to achieve higher returns.

Para 7: GRIEVANCE COMMITTEE

Para 7.1: The Grievance Committee is responsible for and is empowered to conduct a complete investigation into any alleged grievance between members of the Department of Virginia. The Committee shall be empowered to summon witnesses, obtain records from Chapters or individual members in order to conduct an objective inquiry of the alleged grievance. The Committee shall inform each member involved in the grievance that criminal or civil court action against another member, Chapter, the Department of Virginia, or the National Organization shall not be initiated until all remedies have been exhausted within the DAV. The Committee will submit a final report of its findings and recommendations to the Commander. If the grievance cannot be resolved the chair will present the finding and recommendations at the next convening DEC meeting.

Para 7.2: If, because of lack of information, the committee cannot reach a recommendation, this fact must be reported to the Department Commander with a request for a specific extension of time. The Department Commander can authorize a specified time extension for fact gathering and request submission of a final report at a DEC Meeting, or the next Convention.

Para 8: HOMELESS VETERANS COMMITTEE

Para 8.1: The goal of the Homeless Veterans Committee is to assist needy disabled veterans, their dependents and survivors who are confronted with homelessness.

Para 8.2: The committee shall investigate all claims for assistance, determine if homelessness exists, ascertain that all available resources have been exhausted including aid through local DAV Chapters and then, if in order, make appropriate recommendations to the DSD.

Para 8.3: The Homeless Committee Chair will maintain a detailed and confidential electronic case record on each claim for assistance and transfer the electronic case record to the Department Headquarters on an annual basis for retention.

Para 9: INCARCERATED VETERANS ASSISTANCE COMMITTEE (IVAC)

Para 9.1: The IVAC shall assist veterans who have been arrested, awaiting sentencing, or confined in any prison or jail facility in the Commonwealth of Virginia, excluding those convicted of a capital crime.

Para 9.2: The IVAC shall ensure veterans and their families maintain eligibility status to access the full range of benefits available to them and assist in the veteran's transition back to their civilian community as productive citizens with an improved quality of life.

Para 9.3: The IVAC shall consist of a Chairman and five members. The members of this committee shall be appointed each year at the annual Department convention.

Para 10: LEGISLATIVE COMMITTEE

Para 10.1: Shall be responsible for reviewing all resolutions and mandates for legislation affecting disabled veterans in the Commonwealth of Virginia and the United States.

Para 10.2: Shall elect a chairperson who will also serve as the Department Benefits Protection Team Leader.

Para 10.3: Shall prepare legislative proposals to be presented to the Commonwealth of Virginia General Assembly and Virginia Department of Veterans Affairs that will be beneficial to disabled veterans and their dependents and survivors. A member of the Committee shall appear in person before governing bodies of the Commonwealth of Virginia to present our legislative requests, and shall make available a copy of the Department Legislative Program to each Chapter.

Para 10.4: Shall review all legislative proposals and resolutions that affect legislation on a National level for approval at the Department Convention and submittal to the National Convention, if approved.

Para 10.5: Shall be responsible for maintaining a list of members that are concerned with legislative issues. The Committee shall use this list to solicit support of the membership for Department legislative proposals and keep the members on the list informed of the progress of legislative proposals.

Para 10.6: Shall be responsible for arranging Department legislative activities/events at the National Mid-Winter Conference and attendance at the National Commander's presentation to Congress.

Para 11: MEMBERSHIP COMMITTEE

Para 11.1: Shall establish a Department Membership Program to be carried out in addition to any ongoing Chapter or National membership program and provide during each conference and Convention a report indicating the results of the Department membership recruitment program.

Para 11.2: Shall be responsible for assisting in the formation of new Chapters in the Department of Virginia, utilizing guidelines set forth in the National Bylaws, and shall make recommendations to the DEC for approval of new Chapters.

Para 12: SOCIAL MEDIA COMMITTEE

Para 12.1: Shall be responsible for operating and maintaining social media to promote the Department, Chapters, Committees and the cause of the disabled veteran and their families and survivors.

Para 12.2: Shall consist of at least five (5) members with social media experience, and the Department Photographer.

Para 12.3: Shall create a social media strategy to be presented to the Department Annual Convention.

Para 12.4: Shall be responsible for operating and maintaining the Department social media presence and its content on Facebook, Twitter, YouTube, and/or other social media sites. This shall include tweets with DAV related material, for example, retweets from the National Organization Headquarters, National Legislative Headquarters, and from the Department Chapters.

Para 12.5: The Department Website will be under the direct supervision of the Department Adjutant/Executive Officer. All information placed on the website must be reviewed and approved by the Department Adjutant/Executive Officer.

Para 12.6: Shall provide social media training and assistance to Chapters at Department Conferences and Annual Convention.

Para 13: TIME AND PLACE COMMITTEE

Para 13.1: Shall be responsible for recommending locations in the Commonwealth of Virginia for the Department to hold the Fall and Spring Conferences.

Para 13.2: Shall report to the Convention their recommendations of sites for the Fall and Spring Conferences. Site selections shall be made two years in advance. The Convention is authorized to waive the two year provision if mitigating circumstances exist to prevent the Spring or Fall Conference being held at a previously approved site. Contractual agreements must be taken into consideration when such approval is granted.

Para 13.3: Shall negotiate with hotel-motel management to obtain favorable contracts for conventions and conferences.

Para 13.4: Shall not accept, for a convention or conference, a site where there are architectural barriers or obstacles for the handicapped. All proposed sites considered must be in compliance with the Americans with Disabilities Act.

Para 13.5: Shall recommend to the DEC, for approval, the fee to be charged for conventions and conferences.

Para 13.6: The Adjutant/Executive Officer and/or the Time and Place Committee Chair shall be the principal contact between the Delegation and the management. The Adjutant/Executive Officer and/or the Time and Place Committee Chair shall be the only authority to speak for the Department regarding any complaints about accommodations or meeting rooms.

Para 13.7: Shall provide in writing at the next succeeding convention or conference a final report of the costs of the preceding meeting.

Para 13.8: Shall ensure that all delegates to the convention and all DEC members during DEC meetings have paid their Registration Fee and are provided with proper identification tags for easy recognition.

Para 13.9: The Committee will provide to the Credentials Committee a list of all persons who have registered during the Convention.

Para 13.10: The Committee will provide to the Department Adjutant / Executive Officer a list of all DEC members who have registered for each DEC meeting.

PARA 14: WOMEN VETERANS COMMITTEE

Para 14.1: Shall be responsible for promoting an effective program on behalf of women veterans in the Commonwealth of Virginia.

Para 14.2: Shall establish an effective networking system with other agencies to effectively use existing resources benefiting disabled women veterans including but not limited to Federal, State, and Local agencies as well as private agencies.

Para 14.3: Shall review and coordinate or prepare women veteran related legislative proposals and resolutions prior to submission to the Department.

Para 14.4: Shall host an annual Women Veterans event in at least two of the following areas: Hampton Roads/Tidewater, Roanoke, Richmond, or Northern Virginia. These events will include VA claims assistance, VA Healthcare enrollment, VAMC Women's Clinic Representatives, Education Assistance, Virginia Employment Commission, Employers, Homeless and At-risk Assistance.

SECTION 4-5: CONVENTION COMMITTEES

The following Convention Committees shall meet at the call of the Convention in order to conduct business specific to the Convention:

- (a) Credentials Committee
- (b) Nominating Committee
- (c) Resolutions Committee

SECTION 4-6: COMPOSITION AND APPOINTMENT OF CONVENTION COMMITTEES

Para 1: Each Convention Committee will be composed of between three (3) and six (6) members who do not serve as elected or appointed officers of the Department.

Para 2: Each Chapter will provide to the Department Headquarters a list of its members who have been nominated by the Chapter to serve on Convention Committees at least ten (10) days prior to the Convention.

Para 3: The Department Commander will select the members for each Convention Committee from the Chapter nomination lists provided to the Department Headquarters and advise the Department Headquarters of the selections. No committee will have more than one (1) member from any one Chapter.

Para 4: The Department Commander may establish additional committees to conduct business during the Convention.

Para 5: Department Standing Committees as established under ARTICLE IV of these Bylaws will continue to conduct business of the Department during the Convention without change in composition.

SECTION 4-7: DUTIES OF THE CONVENTION COMMITTEES

Para 1: CREDENTIALS COMMITTEE

The Credentials Committee will be responsible for ensuring that each Chapter delegation at the Convention has complied with the Department and National Bylaws and that each Delegate is

eligible to be seated and permitted to vote. The Committee will make its final report to the Convention immediately preceding the report of the Nomination Committee.

Para 2: NOMINATING COMMITTEE

Para 2.1 Shall be elected by the DEC during the DEC Meeting of the Spring Conference. The Committee will consist of five (5) members and two (2) alternates. All members and alternates must be from different chapters.

Para 2.2: The Committee shall schedule closed meetings at the Convention to review qualifications and interview candidates that have been endorsed by the Chapter of the Department of Virginia. The Committee shall submit a list of the most qualified candidates for elected officer positions to the Adjutant/Executive Officer immediately following the Credentials Committee report and prior to the beginning of the election of officers at the Convention.

Para 3: RESOLUTIONS COMMITTEE

The Resolutions Committee will be responsible for considering and reporting on all resolutions not referable to another committee and, more specifically, shall be responsible for resolutions pertaining to citizenship, Americanism, national defense, and security of the United States. Reference Convention rule 7.

**ARTICLE V
INCORPORATION**

SECTION 5-1: CORPORATE BOARD OF DIRECTORS

Para 1: The Corporate Board of Directors, Disabled American Veterans, Department of Virginia, Inc., shall consist of five (5) members, who shall be the following elected or appointed officers of the Department of Virginia: The Commander, who shall be the President of the Corporation; the Senior Vice Commander, who shall be the Vice President; the First Junior Vice Commander who shall be a Director of the Corporation; and the Treasurer, who shall be the Treasurer of the Corporation. The Department Adjutant / Executive Officer will be a non-voting member of the Corporation and will serve as the Secretary.

Para 2: The Board of Directors shall be subject to the vested powers of the Convention and the DEC. The Board of Directors shall appoint a Registered Agent, maintain a Registered Office, and ensure annual reports and franchised taxes are kept current with the Virginia State Corporation Commission. The Board of Directors shall meet annually, immediately following the convention, for the purpose of conducting such business as may come before it. The President of the Board of Directors may call a meeting of the board to discuss an issue that may impact the operation of the department. Recommendations or actions taken by the board shall be presented to the DEC at the next scheduled meeting or by mail ballot if necessary.

**ARTICLE VI
DEPARTMENT INSTRUMENTALITIES**

SECTION 6-1: GENERAL

Para 1: The Department of Virginia shall establish instrumentalities for those functions requiring financial and administrative management and continuity of operations. Establishment and dissolution shall be the responsibility of the Department Convention.

Para 2: Service on the Department instrumentalities shall be limited to (1) members with demonstrated abilities to manage, guide, and supervise the stated enterprise and

(2) statutory individual positions designated due to knowledge of Department operations.

Para 3: Members desiring to serve on an instrumentality shall make an application to the Department stating their qualifications and ability to serve in a particular position. Applications may be submitted at any time and potential applicants should not wait until a vacancy occurs. Applications will be retained on file until the individual notifies the Department that he/she no longer is to be considered.

Para 4: The guidelines contained in Article IV (Committees), Section 4-2 (Composition and Appointment), do not apply to this article.

SECTION 6-2: DEPARTMENT SERVICE DIRECTOR (DSD)

Para 1: The Department of Virginia Service Director (DSD) shall have operational control of all the service-related activities of the Department, subject to the guidance of the Department Commander, Adjutant/Executive Officer, DEC and Convention, within the boundaries of these Bylaws. Accordingly, the DSD shall oversee the activities, provide guidance and coordinate the service activities within the Department, to include ensuring cooperative efforts with the Department of Veterans Affairs Medical Centers and other public and private agencies.

Para 2: The DSD shall ensure each of the following service committees develop programs to aid and assist veterans, their families and survivors throughout the Commonwealth of Virginia: Emergency Relief Committee, Employment Committee, Homeless Veterans Committee, Incarcerated Veterans Assistance Committee and Women Veterans Committee. The DSD shall oversee and provide guidance as necessary to the DAV Hospital Coordinator for each VAMC and DAV Virginia Representative to the Center for Development & Civic Engagement (CDCE).

Para 3: The DSD shall be appointed by the Department Commander and approved by the DEC for a period of 3 years. An Assistant to the DSD may be appointed.

Para 4: The DSD shall keep, as permanent records, full and accurate minutes of meetings, authorizations, and directives. A copy of said minutes shall be furnished at each DEC meeting (Spring/Fall) and to the Department Convention.

SECTION 6-3: DEPARTMENT THRIFT STORE COUNCIL

Para 1: The Department of Virginia, Disabled American Veterans, Incorporated (hereafter "Department") does hereby establish a Department Thrift Store Council which shall have jurisdiction and authority over the activities of the Department-owned Thrift Stores under the control of the Department. The Council shall be subject to the general supervision of the Department Convention and the DEC.

Para 2: The Thrift Store Council shall be composed of the current Corporate Board of Directors, the Second Junior Vice Commander, and the Immediate Past Commander, each of whom has a vote. If the secretary and treasurer positions are held by the same person, that person has only one vote. Each Chapter receiving proceeds from the Department Thrift Stores shall have one non-voting representative. The non-voting representative from the each of the eleven Chapters (2, 5, 6, 13, 20, 21, 22, 26, 27, 34, 58) shall be appointed, in writing, annually after each Chapter's election, and that information shall be provided to the Department Adjutant/Executive Officer on the prescribed form prior to the start of the Annual Convention. The Department Adjutant/Executive Officer or the Department Treasurer shall be the liaison and primary contact with the management company and has the authority to make business/management decisions on behalf of the Department.

Para 3: The Thrift Store Council shall meet quarterly at the Annual Convention, Fall and Spring conferences.

Para 3.1: Information on the current state of Thrift Stores operations and financial status of the Thrift Store will be provided by the Department CPA and Department liaison. The Chapter representative shall be responsible for conveying all such information and distributions to their respective Chapter.

Para 4: The Department Board of Directors, with input from the Thrift Store Liaison, shall promulgate policies and procedures for the distribution of funds to Chapters participating in the Thrift Stores, including, but not limited to, requirements for disclosure of budgets for funds received, reporting procedures for expenditure of Thrift Store Funds, or any documentation required to ensure the use of funds is in compliance with the DAV Constitution & Bylaws.

Para 5: The Department of Virginia Board of Directors with input from the Thrift Store Liaison, by a majority voice vote, may temporarily suspend or withhold all or a portion of funds set for distribution to any Chapter when, after careful and diligent review of financial reports and records, the Chapter is no longer in compliance with said policies or procedures from Para 4 and/or in violation of the Department or National Bylaws. Once it is determined by the Department that the Chapter is in compliance, the funds due to the Chapter will be released. If a chapter has been under suspension or in Trusteeship for two distribution periods, the chapter will only receive one distribution.

Para 6: The Finance Committee will be responsible for oversight of the finances associated with the operation of the Thrift Stores.

Para 6.1: A licensed CPA firm will be engaged by the Department of Virginia, and shall be responsible for depositing funds received from Thrift Store operations. The firm shall also pay all expenditures not covered under the Department's Management Agreement with the Manager of the Thrift Stores (such as real estate expenses, distributions to the Chapters, etc.).

Para 6.2: The CPA firm shall also prepare a quarterly Balance Sheet and Profit & Loss Statement covering Thrift Store activities, in accordance with generally accepted accounting principles and acceptable to the Department of Virginia's external audit firm.

Para 6.3: The Department Treasurer will be the primary liaison and point of contact with the CPA firm. The treasurer will have the authority to authorize payment of expenditures by the CPA firm as defined above. Checks will be signed in accordance with Article II, Section 2-4, Para 1.4 of this document.

Para 7: The minutes of each Thrift Store Council meeting shall be provided to the Department Headquarters.

ARTICLE VII CHAPTERS

SECTION 7-1: JURISDICTION

Para 1: Chapters within the Commonwealth of Virginia are under the jurisdiction of the DAV Department of Virginia. The Department is responsible for the enforcement of the Chapter, Department and National Constitution and Bylaws, and NEC Regulations (Reference: DAV NEC Regulation 8). The Department is responsible for ensuring the safeguard of DAV assets and resources, and may conduct periodic audits of Chapter financial and operational activities.

Para 2: Department of Virginia Chapters shall follow the rules provided by the Department of Virginia and National Constitution and Bylaws, and NEC Regulations. (Reference DAV National C&B Article 9 and NEC Regulation 8).

Para 3: Department of Virginia Chapters and Auxiliaries may accept donations and/or payment for goods at onsite fundraising events through electronic Payment Applications, through means of scanning a QR Code, sending an email link or other means used by Payment Applications, where the funds are transferred directly from the donor/payee account into a Chapter bank account while the donor/payee is present at the fundraising event. Fundraising or obtaining donations via websites or any social media platforms is prohibited.

SECTION 7-2: ANNUAL FINANCIAL REPORT (AFR)

Para 1: A Chapter with annual income of more than \$25,000 shall submit an AFR to the DAV National Organization and the Department of Virginia.

Para 2: A Chapter with annual income of less than \$25,000 shall submit an AFR to the Department of Virginia ONLY.

Para 3: All Chapters shall use the standard DAV National AFR form and follow the guidance for developing the AFR. The Annual Financial Reporting Kit is available on the DAV National Organization website.

Para 4: The AFR is due to DAV National and/or the Department of Virginia no later than 30 September.

Para 5: The Department of Virginia Audit Committee shall review the Chapter AFR's, and as necessary recommend appropriate action.

SECTION 7-3: FEDERAL INCOME TAX

All Chapters shall file a Federal Income Tax Return, annually, no later than 15 November, using the appropriate IRS Form 990, Form 990EZ, or Form 990N. Check the current IRS Regulation to determine which form is appropriate for your Chapter. Failure to file an Income Tax return may jeopardize your Chapter's Federal Income Tax exemption.

SECTION 7-4: DAV AUXILIARY UNITS

Para 1: The Disabled American Veterans Auxiliary (DAVA) organization is recognized as an Auxiliary Unit of the DAV, subject to DAV supervision and recommendations.

Para 2: The DAVA Units obtain funding for projects from membership dues and fundraising. DAV Chapters may NOT directly fund DAVA Unit activities. DAV Chapters, however, may make a lump sum donation to the DAVA Unit. The donation shall be used ONLY for service. The Unit shall inform the host Chapter as to how the funds were expended.

Para 3: The DAVA Unit shall submit requests for fundraising activities via the host DAV Chapter Commander to the DAV Department of Virginia Senior Vice Commander. The host Chapter Commander shall, as soon as possible, endorse the request (positive or negative) and forward to the Department Senior Vice Commander for a final decision.

ARTICLE VIII

MISCELLANEOUS AND RESTRICTIONS

SECTION 8-1: SUSPENSION, REPRIMAND & EXPULSION

Para 1: All disciplinary action against any member of the Department of Virginia shall be in accordance with Article 16 of the National Constitution and Bylaws, Disabled

American Veterans.

Para 2: "This Department recognizes the National Organization known as 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 the payment of its debts shall be distributed as provided in Article 6, Section 6.4 Paragraph 5, of the National Bylaws."

Para 3: "To the extent to which any of the provisions of this Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto."

SECTION 8-2: BYLAW AMENDMENTS

These Bylaws shall become effective after adoption by the Department of Virginia, Disabled American Veterans in Convention by a majority vote. Any amendments to these Bylaws shall have been read to the Convention at a prior business session before they are voted upon. No revision or amendments to these Bylaws shall be effective until approved by a majority vote in Convention and approved by the National Judge Advocate.

AS AMENDED BY THE DISABLED AMERICAN VETERANS, DEPARTMENT OF VIRGINIA,
91st ANNUAL CONVENTION, JUNE 16-19, 2023, ROANOKE, VIRGINIA

ATTEST: Judge Advocate:

Stephen C. Combs

Respectfully submitted:

June 19, 2023

NOT REQUIRED

Chair, Constitution and Bylaws Committee:

Julie Hoyte

Department Adjutant/Executive Officer:

Robert Cox

Department Commander

Wilton King

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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: 9/22/23
DAV National Judge Advocate