



DEPARTMENT OF OREGON POLICIES

October 4th, 2020

The mission of The American Legion, Department of Oregon is to provide service to veterans, their families, and their communities.

Revised Fall DEC 2020

October 4th, 2020

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The American Legion, Department of Oregon
PO Box 1730
Wilsonville, OR 97070-1730

Phone: 503-685-5006

FAX: 503-685-5008

Email: HQ@orlegion.org

Web: www.orlegion.org

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FORWARD

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POLICY – A policy is similar to a constitution’s “by-law”. Where a policy is a directive in that the particular Department. General expectations and what needs to be accomplished.

CODE OF PROCEDURE – A Code of Procedure is like a “manual”. It can be described as the guidelines or instructions for doing something correctly. These are the principles that govern the conduct or behavior of an individual in an organization.

To better understand the difference between the Department Policies and the Code of Procedures, think of it like this. Policies tell you Why and What is to be done. The Code of Procedures tells you When it is to be done, and How to do it.

The policies address the general portions of the policies. Things such as “the vault door needs to be locked.” It does not necessarily address “specifically” who should lock the vault door, when it is to be locked, or how to lock the vault door.

The “who” in the above example would be addressed in the policy if only a certain person were to be the only person that is authorized to lock the vault door, when it should be locked and how to lock it.

The policies contain items that “cross borders,” as an example if the Permanent Finance Committee had a specific need to direct, oversee, etc. another committee or some of that committees’ action(s). Having it in the Code of procedures for the second committee would not be directive in nature to them.

POLICY COMMITTEE

Purpose

The purpose of the Policy Committee is to study, recommend, and formulate policies that will be beneficial to the Department on all matters that will tend to increase the prestige of The American Legion, Department of Oregon, and to advance the best interests of The American Legion. No recommendation shall be considered as final unless approved by the Department Executive Committee or a Department Convention.

~~The committee meets yearly~~

Committee Members:

Department Commander – Chairman (ex-officio with no vote, except in a tie vote)

Department 1st Vice Commander - Member

Department Adjutant – Ex-officio

Department Judge Advocate - Member

Other members as assigned by the Department commander

Department: The Department Adjutant will maintain and distribute this policy document to officers of the Department, District, and Post. These Policies will be available for any Department of Oregon Legionnaire to read. The policies will also be posted on the Department of Oregon web site.

District: The District Adjutant will maintain and distribute any District Policies to its Posts.

Post: The Post Adjutant will maintain a copy of all Post Policies and make available to any Department of Oregon Legionnaire wishing to read said policies.

If a Post does not have a Policy concerning an item, they will refer to the appropriate District Policy. If the District does not have a Policy concerning the issue, they will refer to the applicable Department Policy.

District and Post Police cannot change the intent of any Department Policy. They may only amplify or enhance for District or Post.

Revised:

Department Convention 2016

Department Executive Committee Fall 2016
Department Executive Committee Fall 2018
Department Executive Committee Fall 2020

BOOK OF REPORTS

Policy No.: 20-01-0XX

Date: XX-XX-2020

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Adjutant

Review Date: Semi-Annually

Introduction:

This policy is to provide guidance for the writing, submission, and distribution of Department of Oregon reports, for the Department Executive Committee (DEC) and Annual Convention *Book of Reports*.

Policy:

1. Required Information

- a. *Name of Commission or Committee* – Commissions will list the committees they are reporting for.
- b. *Name(s) of Chairman* – Chairman of the Commissions submitting the *Book of Reports*.
- c. *Name of Commission or Committee Chairman and Members of the committees being reported.*
- d. *Date of Report* – for the DEC or Convention.
- e. *Committee Report* – The activities of the members of the committee report; activities of posts.
- f. *Commission Report (Including Committee Report(s))*
- g. *Dates of Commission and/or Committee Meeting(s) held.* If no meetings were held, give reason(s).

2. Report Format

a. The layout of the Report

- i. *Name of Commission*
- ii. *Name of Chairman*
- iii. *Names of Commission members*
- iv. *Names of Committee members*
- v. *Date of Report*
- vi. *Summary (optional)* – A summary of the report since the last report.
- vii. *Contents (optional)* – A list of the different committee reports to be in the commission report.

- viii. *Procedure* – What methods were used to gather information (i.e. phone call, e-mail, Go-To-Meeting, etc.)
- ix. *Findings(?)* – This is the main body of the report.
 - x. *Conclusions* – Your conclusions. New material shouldn't be introduced here.
 - xi. *Recommendations* – Your suggested solution(s) to any problems and/or what you think should happen next.

3. Submission of Report

- a. *Post* – A post report should be submitted to its district committee representative, having District Committee, then submit to the District Commander.
- b. *District* – The District Committee chairman should submit reports received to the District Commander, who then forwards to the Department Committee Chairman.
- c. *Committee* – The Committee Chairman submits the District reports to the Commission Chairman.
- d. *Commission* – The Commission Chairman creates the final report. Summarizes the committee reports, or gives detailed information if appropriate.
- e. *Adjutant* – The Department Adjutant assembles all of the Commission reports. Assembles the *Book of Reports*; put the reports on the Department web site according to month of report; distributes the *Book of Reports* via e-mail to all members of the DEC; prepares hard copy *Book of Reports* according to needs of the department.

4. Distribution of Reports

- a. *Department Web Site* – Each *Book of Reports* will be filed by the DEC period or Convention year. Examples: Fall DEC, Winter DEC, Spring DEC, Annual Convention. The DEC and convention will be filed by year.
- b. *e-mail distribution* – All members of the DEC, PDC's, and the Commission Chairs.
- c. *Hard-copy distribution* – Limited number of *Book of Reports* will be printed. Those members of the DEC that do not have the option of receiving a copy electronically, or via the web site, will receive a hard copy. Special cases to be determined by the Adjutant and/or Department Commander.

- d. *Notification* will be sent via the Department Adjutant, of the availability of the *Book of Reports*. The *Book of Reports* will be posted to the website or emailed to members with enough lead-time to read the reports prior to the DEC or Convention.

5. Reporting at DEC or Convention

- a. *Reports at DEC or Convention* – All members of the DEC will report at the DEC and Convention; All Commission Chairman will orally give a synopsis of their entire report to include the committees under their commission. If the committee chairman is needed to clarify their portion of the reports, they may do so according to normal DEC procedures.
- b. *Synopsis* – The synopsis will contain enough information that the members of the DEC are adequately informed. i.e. no single sentence synopsis.
- c. *Additional information* – Information that needs to be presented to the DEC that has come available after the submittal of the *Book of Reports* to the Department Adjutant will be included at the time of Commission reports.

Revised:

Department Executive Committee Fall 2020

THE LEGIONNAIRE NEWSLETTER

Policy No.: 19-6-0XX

Date: 6-XX-2019

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Adjutant

Review Date: Bi-Annually

Introduction:

This policy is to provide guidance for the writing, submission, and distribution of the Department of Oregon newsletter, the *Legionnaire*, for the Department Executive Committee (DEC).

The Legionnaire Committee is under the oversight of the Media and Communications Commission, in accordance with Article IX, Section 7, of the Department By-Laws

Policy:

1. Responsibility

a. Department:

- i. Adjutant*** - It shall be the duty of the Department Adjutant with the approval of the Committee to negotiate terms of contracts for technical assistance in producing the publication and to report their findings and recommendations to the Department Executive Committee or a Department Convention. Approval of contractual obligations and/or major policy decisions reside with the Department Commander with approval of the Department Executive Committee.
- ii. Adjutant:*** The Department will insure:
 - 1.*** The latest issue of the *Legionnaire* is posted on the Department web site.
 - 2.*** The “old” issue will be stored on the department server, under the appropriate month.
 - 3.*** The Adjutant will have a notice sent to members that the latest issue is online. Special editions will also be stored according to the month of issue.
 - 4.*** The Adjutant will have a limited number of issues of the *Legionnaire* printed. Number as per the Legionnaire Committee C.O.P.

- iii. Commission(s)** – Each Commission will ensure that each committee that serves under the commission, submits an article, story, or information.
- iv. Committees:** It shall be the duty of the *Legionnaire* committee to insure all material is in accordance with American Legion and Department of Oregon policies.
 - 1.** All committees will submit their article, story, or information to their Commission Chair to be published in the next edition.
- v. District:** It shall be the duty of the District Commander to ensure that the posts and their committees, submit a monthly article, story, or information for the next edition of the *Legionnaire*. The District commander will, and any other District officer may submit articles, stories, or information.
- vi. Post:** Posts and post committees shall submit an article, story, or information to their District Commander for the next edition of the *Legionnaire*.
- vii. S.A.L.:** Monthly input is also required from the S.A.L. Detachment and/or Squadrons.
- viii. Individuals:** Any individual may submit a story, article, or information to the *Legionnaire* newsletter. Individuals must follow the guidelines outlined below for the required information, format, and submission.

2. Required Information

- a.** Authors name
- b.** Permission to submit is written by someone else.
- c.** Title of Article, Story, or Information

3. Format

- a.** The layout of the Newsletter will be followed according to instructions laid out in the “Code of Procedure, Legionnaire Committee.”

4. Submission of Articles

- a.** Submission of articles, stories, or information shall be according to instructions laid out in the “Code of Procedure, Legionnaire Committee.”

5. *Distribution of Newsletter*

- a. ***Department Web Site*** – Each edition of the *Legionnaire* will be stored on the Department web site by month. Special editions will also be stored according to the month of issue.
- b. ***e-mail distribution*** – All members of the Department of Oregon.
- c. ***Hard-copy distribution*** – Limited number of *Legionnaire* newsletters will be printed. Those members of the Department that do not have the option of receiving a copy electronically, or via the web site, will receive a hard copy from their post. Special cases to be determined by the Adjutant and/or Department Commander.
- d. ***Notification*** – will be sent via the Department Adjutant, of the availability of the *Legionnaire*. The *Legionnaire* will be posted to the website or emailed to members with enough lead-time to read the reports prior to the DEC or Convention.

CONFERENCE CALLS (Go To Meeting)

Policy No.: 16-09-001

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Adjutant

Review Date: Bi-Annually

Introduction:

The Department of Oregon has audio/video conference or meeting software that allows authorized Legion members to have a meeting with others. It can be used for Commission, Committee, DEC, and other meetings without the need for the members to travel to one location. "Attendees" using a telephone or computer may join the meeting. Computer access will require a microphone and speakers and a camera if desired. The meeting can be attended by utilizing a combination of phone calls, computers, and computers with or without cameras. The Department has a complete Conference setup including a large-screen TV/monitor.

Policy:

1. The department Adjutant controls the access and passwords necessary to use the GoToMeeting program.
2. Department, District, Post, Commission, and Committee members may use the program for American Legion Business.
3. The person hosting the meeting will contact the Department Adjutant to schedule access date and time.
4. Department Adjutant will provide the host with the necessary passwords for the meeting.
5. Persons desiring to use the system should become familiar with the program by contacting the Department Adjutant.
6. Questions can be directed to the Department Adjutant.

Revised:

Department Executive Committee Fall 2020

CONFLICT OF INTEREST

Policy No.: 16-09-002

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Adjutant

Review Date: Bi-Annually

Introduction:

A situation that arises when an employee or officer is faced with making a decision or doing some act that will benefit another employee or officer or another person or organization to which the officer or employee owes a duty of loyalty and at the same time will harm another person or organization to which the officer or employee owes a similar duty of loyalty.

Policy:

The Department of Oregon (TDO) proactively and fully disclose any real or potential conflicts of interest to the appropriate stakeholders.

When TDO realizes that we have a real or potential conflict of interest, we refrain from engaging in the decision-making process or otherwise attempting to influence outcomes.

Employees (paid):

No full-time employee shall have financial or management interests or an indirect business relationship through ownership of more than 35% (individually or collectively with other person[s]) in any company or business concession that furnishes goods or services to The American Legion Department of Oregon.

Every new employee will be required to sign a “Conflict of Interest” statement, which will remain in effect throughout the employee’s employment.

The Internal Affairs Commission in concert with Department Judge Advocate will determine what course of action must be taken to resolve any conflict it believes may exist. The American Legion has sole discretion to determine whether such a conflict of interest exists.

Non-paid staff:

It is the policy of the Department of Oregon that non-paid members (volunteers) shall be restricted from having financial or management interests in any company or business concession that furnishes goods or services to The American Legion or is under a contractual arrangement with The Department of Oregon.

All non-paid staff and non-paid officers of the Department of Oregon will be required to sign a “Conflict of Interest” statement each calendar year by, or during the Fall Department Executive meetings.

Revised:

Department Executive Committee Fall 2020

DISPOSAL OF AMERICAN LEGION REAL PROPERTY

Policy No.: 16-09-003

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Judge Advocate

Review Date: Bi-Annually

Introduction: This policy is to ensure that the Disposal of American Legion Real Property is conducted in a proper manner.

Policy: The Department Constitution and Bylaws requires Posts to inform the Department of their intent to sell the building.

The following steps need to be taken to ensure that the Disposal of Real Property accomplished in the correct manner:

1. A Post General Membership meeting needs to pass a motion to investigate the possible sale of Post Property.
2. The Post must get a current copy of the Post Deed on file with the city, or county, to show that the Post has a clear title on the property.
3. The Post will get a reputable appraisal done on the property to show the fair market value.
4. At the completion of items 1,2 and 3 above, there will be a Post General Membership meeting, a motion must be passed to proceed with the possible sale of the Post Property. Additionally, at this Post General membership meeting, a motion must be approved as to what Post program(s) building fund, or American Legion fund the monies from the sale will be placed in.
5. Once the two (2) motions (in paragraph 4) are approved, a certified letter will be sent to ALL Members of the Post and the District Commander, that at the Post General Membership meeting, held on (date), that the Post membership voted and approved the sale of the Post property.

At the Next Post General Membership Meeting to be held on (date), the final vote will be taken to process with the sale of Post Property.

6. In that certified letter (of paragraph 5) there will be placed a ballot for members that cannot attend the General Membership meeting, can provide their name, address, and American Legion Membership number, if they are for or against the sale of Post Property, a signature block for them to sign.

7. At the Post General Membership Meeting where the vote is to be taken the District Commander will be present to verify the members present, the ballots received, the number of certified letters returned, and the number of letters signed for but not returned; 2/3 majority of the Post General membership must be present or have responded (by mail or email) before any further action can be taken.

8. Once the 2/3 majority of Post members responding or present is verified then the Post General Membership must vote to approve the sale of the property; will include in the motion and minutes, the name of the realtor the sale will be listed with, the amount that will be listed, the fair market value of the property.

9. Once the sale of the property is approved a certified letter will be sent to the Department of Oregon requesting permission to sell the Post Property.

10. In the certified letter to the Department, all documentation listed above must be enclosed, to include, but not limited to an explanation of why the Post is selling the Post Property, and the minutes of the Post General Membership meeting,

11. In addition to paragraph 19, a letter from the District Commander will be sent stating that he has attended all the meetings and that he concurs with the sale of Post Property.

12. If a Post is incapable of funding the actions required here ~~in~~ the post should ask for financial assistance from their respective District with a caveat that the funds will be repaid upon the sale of the Post property.

Revised:

Department Executive Committee Fall 2020

Document Retention

Policy No.: 16-09-004

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Internal Affairs Committee Chair

Review Date: Bi-Annually

Introduction:

The American Legion complies with all general regulations, including 29 CFR Part 516, in relationship to recordkeeping and reporting requirements.

Policy:

The following schedule outlines various financial records and, the minimum period that is recommended that they be retained.

| Item | Retention Period |
|--|-------------------------|
| Accident reports and claims (settled cases) | 7 years |
| Accounts payable ledgers and schedules | 7 years |
| Accounts receivable ledgers and schedules | 7 years |
| Audit reports of accountants | Permanently |
| Bank reconciliation | 7 years |
| Bank statements | 7 years |
| Capital stock and bond records; ledgers, transfer registers, stubs showing issues, record of interest coupons, options, etc. | Permanently |
| Cash books | Permanently |
| Charts of accounts | Permanently |
| Checks (canceled but see exception below) | 7 years |
| Checks (canceled for important payments, i.e., taxes, purchases of property, special contracts, etc.) (Checks should be filed with papers pertaining to the underlying transactions) | Permanently |
| Contracts and leases (expired) | 7 years |
| Contracts and leases still in effect | Permanently |
| Correspondence (routine) with customers or vendors | 2 years |
| Correspondence (general) | 3 years |

| Item | Retention Period |
|---|-------------------------|
| Correspondence (legal and important matters only) | Permanently |
| Deeds, mortgages, and bills of sale | Permanently |
| Depreciation schedules | Permanently |
| Deposit slips | 7 years |
| Duplicate deposit slips | 2 years |
| Employee personnel records (after termination) | 3 years |
| Employee withholding records | 7 years |
| Employment applications – 3years (Note: American Legion law attorneys recommend keeping applicant files for 12 months from date position is filled) | 1 year |
| Expense analyses and expense distribution schedules | 7 years |
| Financial statements (end-of-year, other months optional) | Permanently |
| General and private ledgers (and end-of-year trial balances) | Permanently |
| Gifts, records of gifts | Permanently |
| Group disability reports | 8 years |
| Incorporation records made or received | Permanently |
| Insurance policies (expired) | 4 years |
| Insurance policies, reports, and claims (current) | Permanently |
| Internal audit reports (in some situations, longer retention periods may be desirable) | 3 years |
| Inventories of products, materials, and supplies | 7 years |
| Invoices to customers | 7 years |
| Invoices from vendors | 7 years |
| Journals | Permanently |
| Minute books of directors and stockholders, Including by-laws and charter | Permanently |
| Notes receivable ledger and schedules | 7 years |
| Option records (expired) | 7 years |
| Payroll register | Permanently |
| Petty cash vouchers | 3 years |
| Physical inventory tags | 3 years |
| Plant cost ledgers | 7 years |
| Property appraisals by outside appraisers | Permanently |
| Property records 0 including costs, depreciation reserves, end-of-year trial balances depreciation schedules, blueprints, and plans | Permanently |
| Purchase orders (except purchased department copy) | 2 years |
| Purchase orders (purchasing department copy) | 7 years |

| Item | Retention Period |
|--|-------------------------|
| Receiving sheets | 2 years |
| Requisitions | 2 years |
| Retirement and pension records | Permanently |
| Sales records | 7 years |
| Savings bonds registration records of employees | 3 years |
| Scrap and salvage records (inventories, sales, etc.) | 7 years |
| Stenographer's notebooks | 2 years |
| Stock and bond certificates (canceled) | Permanently |
| Stockroom withdrawal forms | 2 years |
| Subsidiary ledgers | 7 years |
| Tax and legal correspondence | Permanently |
| Tax returns and worksheets, revenue agents' reports, and other documents relating to the determination of income tax liability | Permanently |
| Time books | 7 years |
| Trademark registration | Permanently |
| Voucher register and schedules | 7 years |
| Vouchers for payments to vendors, employees, etc. (including allowances and reimbursement of employees, officers, etc., for travel and entertainment expenses) | 7 years |
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Revised:

Department Executive Committee Fall 2020

Equipment Inventory Checkout and Usage

Policy No.: 16-9-005

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Adjutant

Review Date: Bi-Annually

Introduction:

Inventory of Department of Oregon Equipment, materials, and supplies are necessary for a complete financial picture and the ability to have the necessary equipment on hand when required for use.

Note: Inventory is not expected to include leased, rented items or miscellaneous office equipment/materials such as paper, pens, ink cartridges, or other common supplies. Items over \$250.00 value should be on the inventory.

Policy:

1. Inventory
 - a. The Department of Oregon Adjutant will conduct an inventory of Department Equipment annually.

 - b. An inventory of Department of Oregon Equipment will be conducted if the Department of Oregon Adjutant is replaced. The outgoing Adjutant and the incoming Adjutant will conduct the inventory. If the incoming Adjutant has not been hired by the time the current Adjutant is terminating employment with the Department of Oregon, the Department of Oregon Commander will appoint a Department Officer to conduct the inventory with the Adjutant.

 - c. A copy of the Department of Oregon inventory will be kept on file at the Department of Oregon Headquarters. Headquarters employees of the Department of Oregon will keep and update the inventory as needed. Previous inventories will be kept on file at the Department of Oregon Headquarters, as per Policy “Document Retention, 16-09-004.”

2. Office Equipment (other than computers, laptops, and tablets)
 - a. Copy machines (Not leased or rented)
 - b. Fax machine (Not leased or rented)

- c. Desks/chairs
- d. File Cabinets
- 3. Audio/Visual equipment
 - a. Video Projectors
 - b. Public Address System
 - c. Overhead projectors
- 4. Computers
 - a. Desktop/Server Computers
 - b. Laptop computers
 - c. Tablets
- 5. Materials
 - a. Flags
 - b. DVDs and Videos
 - c. PowerPoint Presentations
- 6. Phones
 - a. Landlines phones
 - b. Cell phones
- 7. Checkout of Department of Oregon Equipment
 - a. Use – the requesting party will submit a request for the use of the property at least ten (10) working days prior to need. The request will include:

Item(s) requested
 Responsible party
 Date required by
 Date to be returned

Arraignment of equipment pickup and return

b. The Department Adjutant will review the request and determine if the use of the equipment is feasible or not. The Adjutant will inform the requestor within two (2) working days of the approval or non-approval.

c. Permission – The Headquarters Adjutant will be the person to determine if the equipment can be loaned out. If the Adjutant feels it is warranted, he will discuss his determination with the Department Commander.

9. Use of Department of Oregon Equipment

a. Responsibility – Any person requesting the use of the Department of Oregon equipment will have the responsibility for the proper use, safety, security, and return of said equipment.

b. Safety – Any equipment on loan will be operated in a safe and conscious manner. If the requester has any questions about the safe operation of the equipment, they shall ask for assistance and/or training from the Department Adjutant.

c. Security – Any borrowed equipment will be properly secured while in the custody of anyone borrowing the Department of Oregon equipment. There will be arraignments made by the borrower, prior to receipt of the equipment as to how it well secured.

d. Return of Equipment – Loaned Headquarters equipment will be returned promptly and in good working order. Any issues, malfunctions, etc. will be noted and the Adjutant informed upon the return of the equipment.

10. Miscellaneous

a. Disposal of excess equipment – all office equipment determined to be in excess of Headquarters’ needs will be offered to The Sons of the Legion, American Legion Riders, and American Legion Auxiliary for their use. Any item given to one of the above will be noted on the Department Headquarters’ inventory and initialed by the receiving party. If the excess equipment is not wanted by any of the above, then the equipment will be disposed of in accordance with local laws and regulations.

b. Inoperable equipment – all attempts will be made to have the equipment repaired. If repair is not available, or the cost to repair is excessive, (i.e. over half the value of new equipment), the equipment will be removed from inventory and disposal noted on the inventory sheet. The equipment will then be disposed of in compliance with all city, county, and state requirements (i.e. computers and monitors may not be acceptable in the trash because of their hazardous nature and or hazardous materials).

Revised:

Department Executive Committee Fall 2020

ETHICS & PROFESSIONAL CONDUCT

Policy No.: 16-9-006

Date: 9-25-2-16

Applicable to: All Legionnaires

Responsible Officer: Department Judge Advocate

Review Date: Bi-Annually

Introduction:

American Legion members are expected to comply with the American Legion's governing documents and comport themselves accordingly.

As officers and members of the American Legion for the Department of Oregon, we are committed to doing what is right and honorable. We set high standards for ourselves and we aspire to meet these standards in all aspects of our lives—at work, at home, and in service to our communities.

This Code of Professional Conduct describes the expectations that we have of ourselves. It articulates the ideals to which we aspire as well as the behaviors that are mandatory in our roles.

The purpose of this Code is to instill confidence in our dealings with others and amongst us and to help an individual become a better Legionnaire. We do this by establishing an understanding of appropriate behavior. We believe that the credibility and reputation of The American Legion is shaped by the collective conduct of individual members of the Legion family.

We believe that we can advance our work, both individually and collectively, by embracing this Code of Ethics and Professional Conduct. We also believe that this Code will assist us in making wise decisions, particularly when faced with difficult situations wherein we may be asked to compromise our integrity or our values.

Our hope that this Code of Ethics and Professional Conduct will serve as a catalyst for others to study, deliberate, and act appropriately about ethics and values. Further, we hope that this Code will ultimately be used to build upon and evolve across The American Legion.

Policy:

1. Responsibility

Responsibility is our duty to take ownership for the decisions we make or fail to make, the actions we take or fail to take, and the consequences that result.

2. Respect

Respect is our duty to show a high regard for ourselves, others, and the resources entrusted to us. Resources entrusted to us may include people, money, reputation, the safety of others, and natural or environmental resources.

3. Fairness

Fairness is our duty to make decisions and act impartially and objectively. Our conduct must be free from competing self-interest, prejudice, and favoritism.

a. Conflict of Interest – all District and Department Officers will submit a signed copy of the Department of Oregon Conflict of Interest form within seven (7) days of installation of office occurs. Any possible Conflict needs to be addressed to ensure openness and transparency.¹

b. Favoritism & Discrimination – Favoritism and or Discrimination will not be tolerated by the Department of Oregon. This includes anything that would benefit an individual Legionnaire over other Legionnaires. Discrimination due to race, ethnicity, sex, or religion will not be condoned.

4. Honesty

Honesty is our duty to understand the truth and act in a truthful manner both in our communications and in our conduct.

Revised:

Department Executive Committee Fall 2020

¹ Conflict of Interest Policy no. 16-09-002

OFFICIAL DEPARTMENT OF OREGON VEHICLE(S)

Policy No.: 16-9-007

Date: 25-9-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Adjutant

Review Date: Bi-Annually

Introduction

This policy covers the use of the American Legion Department of Oregon Official Vehicle(s). Deviation from this policy must have the approval of the sitting Department Commander and/or the Department Executive Committee at the discretion of the Department Commander

Policy

1. The vehicle will be produced by a US Corporation; Ford, GM, or Chrysler, etc.
2. The type, color, and other specifications of the vehicle will be based on cost and availability.
3. The vehicle will be equipped with the following options as available, if not cost-prohibitive.
 - a. Navigation
 - b. Bluetooth communication to facilitate hands-free cell phone use
 - c. All-Wheel Drive (AWD)
 - d. GPS navigation
4. The vehicle shall be titled in the name of The American Legion Department of Oregon.
5. Any Department of Oregon drivers may be authorized to operate the vehicle for official purposes at the discretion of the Department of Oregon Adjutant or Department of Oregon Commander.
6. Insurance, maintenance, and other normally associated expenses will be borne by the Department of Oregon.

7. Due to the marketing value of a highly visible official vehicle, the use of such vehicle is not restricted solely to official functions. The vehicle will not be used for unsanctioned American Legion events or parked in areas that would tarnish the name of the American Legion (i.e. in front of a bar).
8. The vehicle will bear, at a minimum, the logo of The American Legion, the “Department of Oregon,” and the Department of Oregon phone number.
9. Tire chains will be provided by the Department of Oregon as per the vehicle owner’s manual allows.
10. Accident and breakdown procedures will be provided to the driver prior to leaving The Department of Oregon Headquarters. Minor breakdowns that require repair will be paid for by the user of the vehicle and reimbursed to the user by The Department of Oregon. If a serious breakdown occurs, the operator of the vehicle will safely attempt to get the vehicle off the road (towing if necessary) to a place of safety for personnel. The user will contact the Department of Oregon Adjutant for instructions concerning further towing, repairs, and additional expenses.

Revised:

Department Executive Committee Fall 2020

PRIVACY

Policy No.: 16-9-008

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Judge Advocate

Review Date: Bi-Annually

Introduction:

Legionnaire information is our most important asset. In order to collect, use, and store that information, we have strong privacy practices in place to effectively manage and protect it.

The American Legion is the sole owner of any information collected. We only have access to collected information that you Legionnaires voluntarily give us via email or other direct contact from them. We will not sell or rent this information to anyone. However, during the normal course of operations, some or all of the information listed below will be shared with The American Legion National Headquarters.

We will use your information to respond to you, regarding the reason you contacted us. We will not share your information with any third party outside of our organization, other than as necessary to fulfill your request.

Policy:

1. The Department of Oregon collects the following information:

Name
Address
E-mail Address
Phone Number
Copy of DD-214 or other official document of discharge
Branch of Service
Dates of Service
Era of Service
Nature of Discharge from active duty
American Legion Membership Number
District
Post
Sex

2. This information will only be used for normal administrative purposes in accordance with the American Legion Constitution and By-laws. Social Security Numbers are not required and may be redacted from any information supplied to the American Legion. The above information is required to fulfill our obligations to The National American Legion Headquarters, the IRS, and the State of Oregon.
3. Information other than that described above will be at the option of the individual Legionnaire.
4. Any Legionnaire can see what data has been collected and change/correct it if and when necessary.
5. All Legionnaire data that is collected is stored/protected at the Headquarters of the Department of Oregon in Wilsonville, Oregon. Only information required by American Legion Constitution and By-laws will be forwarded to National Headquarters.
6. Any changes to this policy, once approved by the Department Executive Committee will be communicated to members as a change to the Department Policy Book. A copy will be sent to each District and each Post for membership review.

Revised:

Department Executive Committee Fall 2020

PROGRAM FUNDS

Policy No.: 16-9-009

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Finance Officer

Review Date: Bi-Annually

Introduction:

This policy is intended to clarify the Department of Oregon's intent to follow the American Legion's Constitution, By-laws, and other guidance concerning the collection, disbursement, and oversight of program funds. The use of "Legion" will be synonymous with Department, District, or Post.

All funds associated with a Legion Program are a part of the Legion funds. A Program may use those funds only on approval of the Post membership. There is no "we collected it, so it is our money."

Policy:

All funds collected by, or for a Legion Program will be:

- a. Under the oversight of the American Legion and will use the sponsoring Legion Post's EIN.
- b. Monies collected will be deposited in sponsoring Legion Post's account. It will be "earmarked" for the Program that accumulated the funds.
- c. The collected funds will be deposited as soon as practical, but no later than three business days after collection.
- d. Programs, which have a checking account, must have a sponsoring Legion Executive Board member as a co-signer on the account. The Executive Board co-signer must provide a conflict of interest form to the Legion if that Executive Board member is a member of the Program collecting funds.
- e. At each Legion meeting, Programs will report their activities for the past month including all financial information.

- f. The Legion will be responsible for the proper accounting of funds for the programs that they sponsor. Failure to do so may result in suspension or revocation of the sponsoring Posts charter.

Summary: Ensure that all personnel that handles funds are aware of their responsibilities and that they understand the requirements of the IRS UNRELATED BUSINESS INCOME TAX rules, and Bonding requirements.

REVISED:
Department Executive Committee Fall 2020

REIMBURSEMENT OF EXPENSES

Policy No.: 16-9-010

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Permanent Finance Committee

Review Date: Bi-Annually

Introduction:

Unless otherwise specifically provided herein or by the action of the Department Executive Committee, reimbursement for expenses incurred, upon the submission of a documented expense voucher/statement, shall be governed by the following policy:

Policy:

1. Per Diem Payments for Substitutes

- a. This procedure is when a District Commander cannot attend a regularly scheduled meeting of the Department Executive Committee (DEC) or a short notice DEC meeting. This also will apply to any meeting where the chairman of a committee is eligible to receive compensation for attending.
- b. This procedure only applies to those meetings where per diem or related expenses are paid to pre-designated attendees.
- c. When the District Commander (or other chairmen) is going to be absent, he must notify the Department Adjutant with a copy of his/her letter to the Department Commander and the Department Finance Officer. The Department Adjutant can make and deliver the copies. In this letter, he must indicate who his/her substitute will be. Only District Vice Commanders can substitute for the District Commander.
- d. The substitute will receive the same per diem payments and be under the same restrictions as the District Commander or other attendees.
- e. The per diem payment will be charged to the budget item for that District or Committee.

2. Travel Claim Procedures

- a. Travel claims will be processed in the following manner. (a) Per Diem for meals with no hotel is \$25 per day max and no receipts are required. (b) Per Diem meals with hotel are up to \$25 per day for meals with a max of \$80 per day. Hotel receipt is required for payment. Mileage is reimbursed at the rate of \$.20 per mile. In lieu of motel/hotel, motor homes and RV's may be used with the same restrictions (\$80 max, receipts required).
- b. To receive any per diem you have to be on official business that is determined by the Department Commander or as outlined in the Constitution and Bylaws.
- c. Commission Chairman are required to sign travel vouchers for commission members before being paid.
- d. Travel claims must be filed within thirty days from the time of DEC or Special Event to be paid.
- e. All travel claims must be submitted on the American Legion Department of Oregon Expense Report form.
- f. Per Diem breakdown as follows: Department Officers and District Commander or Designee are authorized a maximum of two nights for a Department Executive Committee meeting unless authorized in advance of the meeting by the Department Commander.
- g. Department Officers and District Commanders are authorized a maximum of four nights for a Department Convention unless authorized in advance of the meeting by the Department Commander.
- h. Day of travel to and from a Department Executive Committee meeting or Department Convention you are authorized max of \$25 per day for a maximum of \$50.00
- i. Commission Chairmen are authorized a maximum of two nights and mileage for a Department Executive Committee meeting and only if they have a call to meeting. Commission members will only be authorized one night and mileage at Department Executive Committee meetings and will not be authorized any per diem at Department Convention unless prior approval of the Department Commander and the Permanent Finance Commission.

- j. No reimbursement will be authorized for Commissions that hold their meeting at the Fall Department Executive Committee meeting to approve their Code of Procedures; these should be done prior to the Fall meeting.
- k. Department Commander's room reservation is made by Department and paid on the Department credit card, mileage is paid at \$0.20/per mile.
- l. District Commanders will be required to perform certain functions of the year as required by the Department to better The American Legion Department of Oregon programs and Post presence. The following is a list of required items that if not attended or done will result in a reduction of the budget of any District Commander that does not perform these functions.
 - 1. Boys State- Either open or closing if does not attend- \$50
 - 2. Oratorical if does not attend- \$50
 - 3. Post Assessments 2/per Post if does not do, a copy must be sent to Department for verification- \$10/ea. If not completed ½ by mid-winter DEC, from that time forward District Commanders Expense Reports will be held in the suspense file until completed requirements.
 - 4. Legionnaire Articles must be done each edition and on-time-\$25/ea.
 - 5. Department Executive Meeting Book of Reports on the due date. \$25.
 - 6. Law Enforcement Career Camp (LECC), attend either opening or closing, if not attended- \$50
 - 7. District Meeting Minutes to Department within 2 weeks after meeting, if not- \$25
- m. Commission/Committee Chairman will be required to perform certain functions required by the Department. This will better the Programs of The American Legion Department of Oregon and help provide assistance to our Posts within the Department, if not done will result in a reduction of the Commission budget.

1. Legionnaire Articles must be done each edition and on-time-\$15/ea.
2. Department Executive Meeting Book of Reports on the due date. \$15/ea.
3. Commission meeting minutes sent to Department, after each meeting. \$15. If meetings are not being held an additional \$15 for not holding meetings as required.

What are the procedures for notifying the person being penalized? There needs to be a notification process that states the reason for the penalization and the amount. This is a necessity as Department headquarters cannot seem to get the required documents into the Book of Reports even when they have been sent in on time. How much is Department going to be fined for not processing reports in a timely manner?

3. Travel Claim NEC, Washington Conference, National Convention

- a. Travel claims will be processed in the following manner. (a) Per Diem can anyone attending either the National Executive Committee, Washington Conference, or National Convention that did not receive a call in but authorized by Department to attend. Per Diem rates is as follows (a) \$125.00 per day for hotel, receipt required (b) mileage will be \$.20 per mile (c) luggage expense is \$25 per bag up to two bags, receipts are required. No reimbursement for meals authorized.
- b. Department Commanders' room reservations are made by the Department and charged on the Department's credit card if no call-in is provided. Mileage and luggage paid the same Section 3 (c) and mileage is still \$0.20/mile.
- c. If the Department Commander receives a call-in Department will pay the difference between the National per diem and the total charge.

4. Electronic Payments

- a. The American Legion Department of Oregon processes the financials of the department by electronic payment methods.

- b. All electronic payments shall be directed by one (1) of the four (4) signatures and verified by two of the four (4) signatures initialing the approved document for payment.

5. Credit Card Policy

- a. The credit card will be used for only official American Legion business; any unauthorized use will result in disciplinary action up to termination of employment or suspension of membership. This applies to employees of the Department.
- b. American Legion Department of Oregon has set the rates for official travel within the State as follows: Sixty (60) dollars per day
- c. Out of State: Eighty (80) dollars per day
- d. The rates will be strictly enforced by the Department

6. Use of Funds in Budget

- a. Department Officers - Funds in each budget are to be used for travel, i.e. mileage and hotels.
- b. District Commanders- Funds in the budget is to be used for mileage and hotels to attend the Department Executive Meetings and Convention only and are not intended to cover expenses within the District. Extra funds for use in the District should come from District Funds.
- c. Commission/Committee Chairman- Funds in the budget is to be used to cover mileage and hotel when approved to attend meetings called by Department. Funds also are to be used to cover expenses that support the program assigned.

7. National Office Visitor

- a. Expenses incurred during the visit of a National Office visitor – Expenses incurred by Department Officers of The Department of Oregon and approved by the Department Commander will be submitted on the Department of Oregon Expense Voucher. Lodging, meals, and gifts are examples of items that may require reimbursement. If the Department

- b. requests the National Officer, the Department will pay for their expenses. If a National Officer is traveling at the Direction of a National Program, National Headquarters will pay for their expenses.
- c. Department Commander, Adjutant, National Executive Committeemen will have their rooms reserved by Department and paid on the Department's credit card. Mileage is paid at \$0.20/per mile.

8. Special Guests

- a. Expenses incurred during the visit of invited special guest(s) by the Department of Oregon will be handled on a case-by-case basis.

9. Official Use Of Legion Vehicle (s)

- a. Expenses during operation of American Legion Vehicle
- b. Gasoline – A logbook will be kept with the vehicle and filled out each time gas is purchased for the vehicle. Speedometer reading, location (?), cost and gallons of fuel will be entered in the logbook.
- c. Oil and Oil changes – It will be the responsibility of the driver of the vehicle to check the level of the oil in the vehicle and ensure the oil is changed as described in the owner's manual.
- d. Other miscellaneous expenses – fixing/ repair of minor items will be put on the 1st Vice Commander's credit card if possible. For minor fixes and repairs that cannot be put on the 1st Vice Commander's credit card, he/she can pay with a personal credit card or cash. Upon completion of that day's use, the receipts and letter of explanation of expenses will be prepared and sent to Department Headquarters.

Revised:

Department Executive Committee Fall 2018

Department Executive Committee Fall 2020

RENTAL OF AMERICAN LEGION FACILITIES

Policy No.: 16-9-011

Date: 9-25-2016

Applicable to: All Department of Oregon Posts

Responsible Officer: Department Adjutant

Review Date: Bi-Annually

Introduction:

Each American Legion Post is its own entity and operates under its own Constitution and By-laws. The rental of American Legion Posts is up to the Post Executive Committee and the General Membership. However, the Department of Oregon requests that each Post will diligently review how they rent their facilities, especially when it comes to renting or charging rent to one of the Post's own programs (i.e. S.A.L. or Legion Riders). Even the Auxiliary, whose sole purpose is to support the American Legion shouldn't be put under the same conditions that rental to an outside party is.

Policy:

The Department of Oregon strongly recommends that each Post that rents out their facility have a well-documented procedure and cost element for all rentals. Whether they are to a Post Member, a Post Program, the Auxiliary, an outside group or organization.

The Post should have a listing of:

Fees
Proof of Insurance
Necessary City, County, or State permits
OLCC compliance procedures
Lotto compliance procedures

Any requesters for rental of the American Legion Facilities should be given a list of the above when the request is received.

The use of a Post bar/lounge must be used according to IRS, OLCC, and any other federal or state rules and regulations. The use of NRB income must be used according to IRS requirements.²

Revised:

Department Executive Committee Fall 2020

² IRS – Internal Revenue Service; OLCC – Oregon Liquor Control Commission; NLR – Non-Related Business Income

RISK MANAGEMENT FOR THE ENHANCED PROTECTION OF CHILDREN AND YOUTH

Policy No.: 16-9-012

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Judge Advocate

Review Date: Bi-Annually

Introduction:

Prevention is key to being proactive in mitigating abuse in youth programs. A comprehensive child protection program will incorporate: (1) Screening; (2) Established policies and safeguards; and (3) Awareness and oversight.

Policy:

The Department of Oregon programs involving Children and Youth will include a background screening/monitoring program for all paid and all-volunteer staff of national youth programs of The American Legion.

All Designated Individuals must comply with the “Risk Management Policies of The American Legion for the Enhanced Protection of Children and Youth” set forth in this manual. Program Managers/Directors of every national youth program of the Organization will provide awareness, orientation, and information to all program staff and volunteers at the onset of each program every year.

This will include orientation and dissemination of:

- Program overview
- Job description information
- Organizational chart of the program
- Program schedule
- “Risk Management Policies of The American Legion for the Protection of Children and Youth”

Upon completion of the orientation each year, each Designated Individual will sign and return to their respective Program Manager/Director the statement found in Appendix A acknowledging receipt and understanding of the “Risk Management Policies of The American Legion for the Protection of Children and Youth”

The following guidelines and expectations have been established for persons serving in staff roles for national youth programs of The American Legion.

General conduct:

- Demonstrate behavior appropriate for a role model for youth; be courteous, fair, and unbiased in your treatment of all children and youth.
- Put the welfare and well-being of children and youth first.
- Treat all children and youth with dignity and respect.

Drugs, tobacco, alcohol, and sexually explicit materials

- Do not possess, distribute, use or allow others to use alcohol or drugs during operation of national youth programs.
- The use of tobacco at national youth programs is prohibited in the presence of children or youth.
- Do not be in the possession of any sexually-orientated materials when conducting business as staff of a national youth program.

Use of Language:

- Do not use harsh, inappropriate, offensive, profane, or degrading language in the presence of children or youth.
- Do not discuss sexual history, preferences, or fantasies with or in the presence of children or youth.

Physical contact:

- Do not use restraint or any type of restraining device as punishment or behavior management.
- Do not use physical punishment in any form (e.g. slap, push, hit, kick, etc.). Use of the most minimal physical force necessary is only acceptable to save one from serious harm or death when the actions of a child or youth are placing themselves or others at immediate risk.
- Do not participate in or allow others to engage in hazing or any activities involving harassment, humiliation, teasing, ridicule, or abuse.
- Do not have sexual contact with children or youth.
- Do not engage in sexual activity in the presence of children or youth.
- Remain alert to the appropriateness (see below), context, and location of any physical contact with children and youth; any physical contact only takes place in public.

- Do not dress, undress, shower, or bathe with or in the presence of children or youth.
- Do not have sleeping locations with children or youth.
- Have contingency plans in place for separating and/or reassigning those program participants who may become involved in youth-on-youth/child-on-child harassment.
- Do not be alone with a child or youth when transporting them in a vehicle.

Appropriate forms of contact:

- Brief hug (e.g., a “shoulder-to-shoulder” hug of celebration or appreciation may be acceptable, where a prolonged, lingering, embracing bear hug is inappropriate).
- Pats on shoulder or back
- Handshakes.
- “High-fives”.
- Holding hands during prayer

Any physical or accidental physical contact that has been shown by the youth as unwanted should be treated with all due respect and all efforts made to ensure contact does not recur, intentional, or accidental. This may include removing the adult from the program.

Inappropriate forms of contact:

- Lengthy, fully engaged embraces
- Kisses on the mouth
- Touching of buttocks, breasts, or genital area.
- Occupying the same bed as a child or youth.
- Any type of massage
- Snapping of bras or giving wedgies or similar touching of underwear, whether covered by other clothing or not
- Private meals with a child or youth
- Giving to or receiving gifts or money from children or youth
- Any form of unwanted affection

Communication:

- Do not be alone with a child or youth when one-on-one discussion or counseling is necessary; one-on-one interaction with a child or youth will only take place in a publicly visible and open area that allows for private conversation and while remaining in the presence of another staff member.

- Electronic text or image communications (email, electronic text, social media, videos, digital photos, etc.) with a child or youth under the age of 18 must copy or include the minor's parents or guardians.

Safety:

- Plan for adequate staff-to-participant ratios appropriate to the nature of the youth program, the activities involved, and age of program participants.
- Keep medical and emergency contact details for youth program participants readily available always in the event of an emergency.
- Immediately obtain or provide appropriate medical assistance in the event of an injury.
- Conduct orientation for fire and severe weather response with all program participants, volunteers, and staff.

Revised:

Department Executive Committee Fall 2020

SOCIAL COMPUTING AND INFORMATION TECHNOLOGY RESOURCES

Policy No.: 16-9-013

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Public Affairs Officer

Review Date: Bi-Annually

Introduction:

Social media refers to online tools and services that allow any Internet user to create and publish content. Many of these sites use personal profiles where users post information about themselves. The “social” in social media comes in as these individuals find others with similar interests and interact with them through online communities, sharing information and knowledge, offering support, and networking. Social media also allows for the easy sharing and re-purposing of existing content, expanding the reach of your work, and enabling others to share it with their friends and networks. Popular social media services include Facebook, Twitter, Instagram, YouTube, and Snap Chat.

Policy:

1. The guiding purpose of this policy is to ensure that the Department of Oregon’s information technology resources are used to promote the core mission of The American Legion’s service to veterans, either directly or through the various administrative entities and services that enable The Department's core mission. The policy has the following goals:
 - a. First and foremost, that information technology resources are used for their intended purposes;
 - b. That the use of information technology resources is consistent with the principles and values that govern use of other Department services; and
 - c. That the integrity, reliability, availability, and performance of information technology resources are protected.

2. **Privacy, Integrity and Operational Security**
 - a. Investigations of misuse, unauthorized use, or illegal activity, compliance with federal, state, or local laws or regulations, as well as routine or emergency maintenance of the IT system, may require observation of

- b. electronic information by appropriate and authorized Department officers, employees, or their authorized agents. Such activities are not in violation of this principle so long as authorized individuals on behalf of The Department of Oregon conduct these activities.
- c. Unauthorized access to private information constitutes a violation of this policy and may result in disciplinary actions. Violation of this principle may also constitute a violation of state or federal law.

3. Use

The use of the Department of Oregon network computing and electronic communications infrastructure comes with certain responsibilities and obligations.

- a. Unlawful Use - Oregon and federal laws provide for civil and criminal penalties for violations of the law of systems use. Examples of unlawful actions include, but are not limited to, defamatory remarks, destruction of American Legion data or equipment, unauthorized copying of copyrighted material, and the transportation of obscene materials across state lines. Any use of the Department of Oregon's network computing assets by anyone in the organization that violates state, federal, or local laws is prohibited.
- b. Violation of Department of Oregon Policies – Any use of Department network computing assets that violates applicable institutional policies is prohibited.
- c. Fiduciary Responsibilities – Being responsible for the security of one's personal information.
- d. Protecting personal and private information of others
- e. Taking care to minimize risks of various undesirable events, such as disclosure of sensitive personal information, identify theft, and even threats to personal safety when using Department information technology assets.

4. Publication or Distribution of Unauthorized Recordings, Photos, Images, Text, or Video – With the availability of low-cost cameras, smartphones, and consumer electronics, it is possible for someone to acquire voice, video images, still images, multimedia, or text in non-public situations without the knowledge or consent of all parties. Department's network computing assets must not be used by anyone in the organization to publish or distribute this type of material without the expressed consent of all involved parties.

5. Disclosures - All members of the Department of Oregon are given notice of this policy by its publication and are subject to it on the same basis. Ignorance of this policy does not relieve any user of his or her responsibilities under the policy. All users are expected to familiarize themselves with the contents of this policy and act in conformance with these principles regarding any use of the Department's IT resources.

6. Department of Oregon Family Responsibilities

- a. Avoid politics. The American Legion is nonpartisan and focuses on issues, not personalities.
- b. Be careful with humor. Personal social media accounts can sometimes be very raunchy.
- c. Don't censor your visitors. Visitors to the page should be allowed to voice frustrations or air some gripes about your post. The administrator should keep things professional in his or her response. Remember, you probably shouldn't say anything on the Facebook page that you would be unwilling to publish in the post newsletter. Racist comments, personal threats, or libelous attacks by your visitors should be quickly removed, however.
- d. If you post it, it is public. Nothing ever disappears from the Internet!
- e. Remember that social media are just tools. Not all your members will see your Facebook messages and tweets. Social media should supplement but not replace phone calls, emails, personal contact, and traditional media in getting the word out.

7. Training Resources:

- a.

Revised:

Department Executive Committee Fall 2020

UNRELATED BUSINESS INCOME TAX

Policy No: 16-9-014

Date: 9-25-2016

Applicable to: All Department of Oregon Posts

Responsible Officer: Department Finance Officer

Review Date: Bi-Annually

Introduction:

The American Legion has a general exemption from federal income tax. However, it may be subject to tax on unrelated business income. Because of the Tax Reform Act of 1969, Congress imposed this tax on virtually all-exempt organizations. The primary objective of the tax has been to place the unrelated business activities of nonprofit organizations on the same level as those of the commercial entities with which they compete. Congress, therefore, wanted to make certain that an exempt organization does not exploit its exempt status for purposes of unfair competition with businesses that pay income tax.

The term unrelated business is defined as any business, the conduct of which is not substantially related to the exercise or performance of an organization's exempt purpose. Just because the organization needs the income to survive does not make the activity related to an organization's exempt purpose. For the business to be unrelated, it must be regularly carried on by the organization.

Unrelated business taxable income of a veterans' organization that is exempt under section 501(c) (19) does not include the net income from insurance business that is properly set aside. The organization may set aside income from payments received for life, sick, accident, or health insurance for the organization's members or their dependents for the payment of insurance benefits or reasonable costs of the insurance administration, or for use exclusively for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. For details, see section 512(a)(4) and the regulations under that section.

Policy:

The list of income that could be subject to tax is varied and includes:

- Forms and equipment sold to trade association members
- Sales or leasing of mailing lists

- Advertising in publications of the organization
- Insurance programs in which the organization has more than a passive involvement
- Income (such as rents or interest) from debt-financed property.

Due to the complicated nature of this IRS tax policy, the Department of Oregon recommends that each Post be familiar with:

1. Section 501 of the Internal Revenue Code
2. Internal Revenue Code 4401(c)
3. Form 990-T (Filed if gross receipts from the unrelated business activity are greater than \$999.00)
4. Form 730 (Filed to report wagering tax on pull tabs/raffles)
5. <https://www.irs.gov/pub/irs-pdf/p3386.pdf>

Revised:

Department Executive Committee Fall 2020

WHISTLEBLOWER PROTECTION

Policy No.: 16-9-015

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Judge Advocate

Review Date: Bi-Annually

Introduction:

Any individual, whether paid staff or independent (non-paid) ~~board~~ member, who wishes to voice a concern regarding an alleged impropriety of any type in connection with the policies contained herein, may do so without fear of reprisals. Employees may notify the Department Adjutant. Non-paid ~~board~~ members may contact the Department Commander, the Department Adjutant, the Department Judge Advocate, or any member of the Admin and Advisory Commission if they have a concern they wish to report.

Policy:

All reported concerns would be handled in the most confidential manner possible as the allegation is investigated. If the allegation is found to have merit, appropriate action will be taken as determined by the Judge Advocate if the allegation concerns an independent (non-paid) member and by the Department Adjutant if it concerns a paid employee. If the allegation concerns a paid staff member, the Admin and Advisory Commission will recommend the appropriate handling of the matter.

Those who file complaints, report suspected violations of this policy, participate in an investigation may do so without fear of retaliation or adverse employment action, and with confidence that their concerns will be thoroughly investigated and dealt with.

Appendix:

Questionnaire on Potential Conflicts of Interest

Revised:

Department Executive Committee Fall 2018

Department Executive Committee Fall 2020

ZERO TOLERANCE

Policy No.: 16-9-016

Date: 9-25-2016

Applicable to: All Department of Oregon Legionnaires

Responsible Officer: Department Judge Advocate

Review Date: Bi-Annually

Introduction: “It's not good enough to say we have a **zero-tolerance** policy,” Under the laws enforced by EEOC, it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Policy:

1. The Department of Oregon does not tolerate any type of Discrimination, such as³:

Age - treating someone less favorably because of his or her age.

Disability - treats a Legionnaire with a disability because he/she has a disability.

Equal Pay/Compensation - men and women in the same workplace be given equal pay for equal work. Job content (not job titles) determines whether jobs are substantially equal.

Genetic Information - Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

Harassment – Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information.

³ Material gathered from the U.S. Equal Employment Opportunity Commission.

National Origin – The treating of people unfavorably because they are from a country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

Pregnancy – treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

Race/Color – treating someone unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion.

Religion – Treating a person unfavorably because of his or her religious beliefs. Not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism but also others who have sincerely held religious, ethical, or moral beliefs.

Retaliation - to fire, demote, harass, or otherwise "retaliate" against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

Sex – treating someone unfavorably because of that person’s sex. It also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.

Sexual Harassment – harassing a person because of that person’s sex. Harassment can include “sexual harassment” or unwelcome sexual advance, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Revised:

Department Executive Committee Fall 2020

APPENDIX

APPENDIX 1: ABBREVIATIONS

A&A – Administrative and Advisory
ALA – American Legion Auxiliary
ALR – American Legion Riders
ALVS – American Legion Volunteer Service
COP – Code of Procedures
DAV – Disabled American Veterans
D.E.C. – Department Executive Committee
EEOC – Equal Employment Opportunity Commission
IT – Information Technology
N.E.C. – National Executive Committee
OCW – Operation Comfort Warrior
ODVA – Oregon Department of Veteran Affairs
OSP – Oregon State Police
PR – Public Relations
PUFL – Paid Up For Life
RCTAC – Rituals, Ceremonies, Trophies, and Awards Commission
SAL – Sons of the American Legion
TOALF – The Oregon American Legion Foundation
UVGO – United Veterans Groups of Oregon
VA&R – Veterans Affairs and Rehabilitation
VAVS – American Legion Volunteer Service
VSO – Veteran Service Officer

APPENDIX 2: DEFINITIONS

- Call-in – When a Legionnaire receives an official notice to attend a Committee, Commission, or other events approved by the Department Commander.
- Detachment – S.A.L. equivalent of an American Legion Department.
- Ex-Officio – appointed officials, which shall serve as members of a committee and/or commission with a voice but no vote.
- Fiduciary – a person to whom property or power is entrusted for the benefit of another; based on, or trust and confidence, as in public affairs: example, a fiduciary obligation of government employees.
- Squadron – S.A.L. equivalent of a Legion Post
- Unit – American Legion Auxiliary equivalent of a Legion Post
- Section 501 of the Internal Revenue Code

APPENDIX 3: ADDITIONAL INFORMATION

1. 26 U.S. Code § 4401 – Imposition of tax - <https://www.law.cornell.edu/uscode/text/26/4401>
2. Internal Revenue Service, National Office Technical Advice Memorandum - <https://www.irs.gov/pub/irs-wd/9912033.pdf>
3. Public Inspection of Form 990-T, Exempt Organization Business Income Tax Return - https://www.irs.gov/irb/2008-20_IRB/ar09.html
4. Tax Guide – Veterans’ Organizations, <https://www.irs.gov/pub/irs-pdf/p3386.pdf>
5. Veterans Organizations - <https://www.irs.gov/Charities-&-Non-Profits/Other-Non-Profits/Veterans-Organizations>

APPENDIX 4: ACKNOWLEDGEMENT AND UNDERSTANDING OF RISK MANAGEMENT POLICIES OF THE AMERICAN LEGION FOR THE PROTECTION OF CHILDREN AND YOUTH

ACKNOWLEDGEMENT AND UNDERSTANDING OF RISK MANAGEMENT POLICIES OF THE AMERICAN LEGION FOR THE PROTECTION OF CHILDREN AND YOUTH

If you have any uncertainty or questions regarding the content of the Risk Management Policies of The American Legion for the Protection of Children and Youth, you are required to consult the respective Program Manager/Director at National Headquarters prior to signing and acknowledging this agreement.

“I have read and understand the Risk Management Policies of The American Legion for the Protection of Children and Youth and agree to abide by its terms and conditions. I understand that my failure to follow the terms of this policy could result in disciplinary action up to and including termination of serving as a volunteer for youth programs of The American Legion”.

Signature of Volunteer

Printed Name

Date

Youth program affiliation (check one):

American Legion Baseball regional tournament

American Legion Baseball World Series tournament

- American Legion Boys Nation
- Junior Shooting Sports National Contest
- National Oratorical Contest

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**APPENDIX 5: THE AMERICAN LEGION NATIONAL HEADQUARTERS
REPORTING FORM CHILD ABUSE / SUSPECTED CHILD ABUSE**

**THE AMERICAN LEGION NATIONAL
HEADQUARTERS REPORTING FORM CHILD
ABUSE / SUSPECTED CHILD ABUSE**

This section is **about the individual you are reporting**. Please provide as much information as possible.

1. Name of the individual you are reporting (first and last):

2. Age or approximate age:

3. Circle gender: Male Female

4. Address (City and State required)

5. Program position(s) this individual held at time of the incident:

This section asks questions about the incident(s) you are reporting. Please provide as much information as possible.

6. Type of offense (e.g., what is being suspected or alleged)

7. During which national youth program did the incident(s) take place?

8. What is the location of where the incident(s) took place? (include city, state and any other available location information)

9. Describe what happened (include who, what, when, where) (continue reverse side if necessary)

This section is for information about the victim(s).

10. Name (first and last)

11. Age or approximate age:

12. Circle gender: Male Female

13. Parent/Guardian name:

14. Parent/Guardian address:

15. Parent/Guardian phone numbers:

Cell:

Home:

This section is your information. A person reporting alleged misconduct should not fear any retribution and/or consequence when filing a report, he/she believes to be true.

16. Name (first and last)

17. Email address:

18. Phone numbers:

Cell:

Home:

19. Address:

20. Program position you were holding at the time of the incident:

21. Relationship to the victim (if any):

Revised:

APPENDIX 6: Inventory Sheet

DEPARTMENT OF OREGON INVENTORY LIST

| DEPARTMENT OF OREGON INVENTORY LIST | | | | | | | |
|---|----------|--------------|-------------|------------|------------|----------|---------|
| | | | | | | | |
| The American Legion Department of Oregon | | | | | | | |
| PO Box 1730 | | | | | | | |
| Wilsonville, OR 97070-1730 | | | | | | | |
| | | | | | | | |
| Product ID | Part No. | Manufacturer | Description | Unit Price | Serial No. | Quantity | On Site |
| Office Equipment | | | | | | | |
| Copy Machines | | | | | | | |
| Fax Machine | | | | | | | |
| Desk & Chairs | | | | | | | |
| File Cabinet | | | | | | | |
| | | | | | | | |
| Audio/Visual | | | | | | | |
| Video Projectors | | | | | | | |
| Public Address | | | | | | | |
| Overhead Projectors | | | | | | | |
| | | | | | | | |
| Computers | | | | | | | |
| Desktop | | | | | | | |
| Desktop | | | | | | | |
| Desktop | | | | | | | |
| Desktop | | | | | | | |
| Labtop | | | | | | | |
| Tablet | | | | | | | |
| | | | | | | | |
| Materials | | | | | | | |
| Flags and Stands | | | | | | | |
| DVDs | | | | | | | |
| Power Point Presentations | | | | | | | |
| | | | | | | | |
| Supplies | | | | | | | |
| Picture Frames | | | | | | | |

| | | | | | | | |
|-------------------------|--|--|--|--|-----|--|--|
| Document Award Covers | | | | | N/A | | |
| Brochures and Pamphlets | | | | | N/A | | |
| | | | | | | | |
| Phones | | | | | | | |
| Land line | | | | | | | |
| Cell Phone | | | | | | | |
| | | | | | | | |

Inventorier:

Date:

Missing or unaccounted for items:

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