

AMERICAN LEGION  
DEPARTMENT OF ARKANSAS  
MID-WINTER CONFERENCE  
North Little Rock, Arkansas  
January 9 - 11, 2025



**THE AMERICAN LEGION  
DEPARTMENT OF ARKANSAS  
MID-WINTER CONFERENCE**

*Riverfront Wyndham*  
**JANUARY 9 – 11, 2026**

**CONFERENCE AGENDA**

**Friday, January 9, 2026 – Training Opportunities**

**9:00 Why post need to do CPR and Why we need a constitution and by-laws**

**1:00PM Afternoon IT training session (Bring your laptop!)**

**SATURDAY, JANUARY 10<sup>th</sup>, 2026**

**8:00 AM** Call to Order..... Silver City 1&2

Sgt-at-Arms will secure the door, everybody please take their seats

Colors in place – Hand Salute

Department Chaplain – Gives Invocation

**Sgt at Arms - POW/MIA Empty Chair ceremony**

Pledge of Allegiance

Preamble of The American Legion:

FOR GOD AND COUNTRY, WE ASSOCIATE OURSELVES TOGETHER FOR THE FOLLOWING PURPOSES: TO UPHOLD AND DEFEND THE CONSTITUTION OF THE UNITED STATES OF AMERICA; TO MAINTAIN LAW AND ORDER; TO FOSTER AND PERPETUATE A ONE HUNDRED PERCENT AMERICANISM; TO PRESERVE THE MEMORIES AND INCIDENTS IN ALL WARS; TO INCULCATE A SENSE OF INDIVIDUAL OBLIGATION TO THE COMMUNITY, STATE AND NATION; TO COMBAT THE AUTOCRACY OF BOTH THE CLASSES AND THE MASSES; TO MAKE RIGHT THE MASTER OF MIGHT; TO PROMOTE PEACE AND GOOD WILL ON EARTH; TO SAFEGUARD AND TRANSMIT TO POSTERITY THE PRINCIPLES OF JUSTICE, FREEDOM AND DEMOCRACY; TO CONSECRATE AND SANCTIFY OUR COMRADESHIP BY OUR DEVOTION TO MUTUAL HELPFULNESS.

All Past Department Commanders to Rise and Be Recognized.

Introduction of New Adjutant

### **Guests to Bring Greetings**

**Patty Tucker**, Auxiliary President

**Bob Wade**, Sons of the American Legion Detachment Commander

**Johnny Kelley**, American Legion Riders Director

Special Presentations – NONE

**9:00 AM** Dismiss the Auxiliary, SAL, Guests (that wish to leave)

**9:15 AM** Greetings and Announce the purpose of this meeting

**9:30 AM – 11:30** DEC in Recess for Purpose of Committee Meetings / Post Officer Training

- Convention Committee– Razorback Room 9:30 – 11:00 AM
- C&B/L Committee – Razorback Room from 11:00 am on
- Budget and Finance/Policy Committee – Executive Board Room upstairs
- Post Constitution and By-laws – 0930 – 1130 – Silver City 5 – Patrick “Doc” Phillips
- Service Officer – 0930 – 1200 – Arkansas Traveler – Allen Miller
- Advance Legion College/Parliamentary Procedures – 1300-1600 –Arkansas Traveler Rm – TBD

**11:30 – 12:30 PM** Lunch on Your Own

**Announcements:** None at this time

**12:30 PM** Reconvene DEC

- Sergeant at Arms gives Instructions
- No Guest Speaker

**Roll Call** of Department Executive Committee – *Chuck Eick (sitting in for Adjutant)*

Crucial Business for the DEC – status of new Adjutant hiring

Accept Minutes from Previous Meetings December 5, 2025

**Motion to approved agenda:**

**(ALL SPEAKERS ARE REQUESTED TO LIMIT THEIR PRESENTATION TO 5 MINUTES AND HAVE IT IN WRITING. PRESENT THE WRITTEN REPORT TO THE ADJUTANT.)**

**1:00 PM Department Officers Reports:**

- |    |                   |                        |
|----|-------------------|------------------------|
| A) | N.E.C             | Michael Westergren     |
| B) | SE Area Vice Cmdr | Allen Edwards          |
| C) | SW Area Vice Cmdr | Jerry Ashby            |
| D) | NW Area Vice Cmdr | David Benson           |
| E) | NE Area Vice Cmdr | Dustin Rowland         |
| F) | Judge Advocate    | Patrick "Doc" Phillips |
| G) | Membership        | Al Wille               |

**Americanism Program Reports**

Position Open

- Baseball.....Jeral Howard, Commissioner
- Boy Scout ..... Mike Benefield, Chairman
- Boys State .....Len Cotton, Chairman
- Shooting Sports..... Randy McGaha, Chairman
- Oratorical .....Roger Lacy, Chairman

**American Legion Foundation Report**

Roger Lacy, Chairman

**Real Properties Management**

Marvin Jumper

Status of Higgins and Kensett properties  
Attorney Fees

**Convention Committee**

Kevin Caldwell

**Policy Committee**

J.W. Smith

**Constitution and By-Laws/Resolution Committee**

Patrick "Doc" Phillips

**Public Relations**

Keith Dover

**Children & Youth**

Marie Wilbanks

**Department Service Officer**

Allen Miller

**Department Training**

John Petrichko

**Budget & Finance**

Chuck Eick

Activities Committee

Kevin Caldwell

IT (migration)

William Sheets

Department Commander Report

Tony Gordon

**Motion to approve reports as presented.**

**Motions**

Motion 1 – Authorize an American Legion Department of Arkansas Virtual Post and create a department committee to create the structure of the post per the American Legion Gaming toolkit. The committee to consist of one gaming member from each area and one member at large. Their objective to be to develop a Constitution and By-Laws for the virtual post and create guidelines for gaming activities.

Motion 2 – Move to Add Appendix on Executive Sessions Process to Policy and Procedures Manual

Motion 3 – Establish minimum membership for the establishment of a post American Legion Riders Chapter to 5 eligible members. Eligible being defined in the Legion Riders State Constitution and By-Laws.

Motion 4 – Move to require the Implementation of National Judge Advocates requirements for American Legion Riders program in posts having a program.

Motion 5 – Move that posts will be provided with their membership income from the national/department on a quarterly timetable. There will be no need to request it; it will be sent by check or electronically each quarter.

Motion 6 – Move to accept changes, additions, and deletions to the Department Policy and Procedures Manual as presented by Policy and Procedures Chairman. Attached.

Motion 7 – Move that Adjutant establishes a filing system within department that deletes un-need documents, saves historical and financial documents per the Sox-attached timetable.

New Business from Department Executive Committee

Policy and Procedures Committee report on forwarded Adjutant resolution from 2024  
Convention

Good of the Legion

Announcements

**5:00 PM Adjourn until 9:00 Sun Morning**

**Sunday January 18<sup>th</sup>, 2026**

**8:00 AM** Patriotic Memorial Service – Silver City 1 & 2

**9:00 AM** DEC Reconvenes

Unfinished Business carried over from Saturday Meeting

Discussion of any known Resolutions for the convention

A pending resolution to address the make-up of the Department Executive  
Committee.

Department Chaplain gives closing Benediction

Colors in place – Hand Salute

**12:00 PM** Meeting of 2023 Midwinter Conference adjourned.

## **Background on Motions, as available.**

**Motion 1** – Virtual post and gaming committee. The main purpose of a virtual post is to serve those veterans and families who cannot, or maybe will not, belong to a traditional brick-and-mortar post. Monthly meetings are held via various free and fee-paid communications programs such as GoToMeeting, Skype and Zoom. The motion seeks to authorize a virtual post within the department and establish a committee to form the constitution and by-laws for the virtual post.

The meeting programs can allow user access by cell phone, tablet or computer. They also can allow audio and visual options, with access limited by bandwidth and fees. So, what are the pros and cons?

### **Pros:**

- No travel requirements, allowing members to be in the comfort of their home without driving in bad weather or at night.
- Adjutants can record and save the sessions.
- Communication with members can be immediate through the creation of an online call.
- No insurance or liquor/machine licensing fees, or upkeep of a post home.
- Members can sign on for meetings anywhere there is Internet access.
- No personal expenses, such as gas, food or parking at a post home.
- Ability to see members.
- Ability to sponsor a Boys State and Oratorical Contest youth participant.

### **Cons:**

- No social intermingling.
- Mostly no Sons squadrons, Auxiliary units or Riders chapters.
- Fundraising is extremely limited.
- No on-site programs.
- Few, if any, group projects.
- Requires online access.
- Users may have challenges using audio/video controls.

**Motion 2** – the motion is to approve an appendix to Policy and Procedures Manual establishing how an executive session be conducted. A copy of the proposed appendix is as follows:

- **APPENDIX 3 – EXECUTIVE SESSION PROCEDURES**

#### Executive Session

An executive session is a private meeting within an otherwise open meeting. It is designed to allow open and private discussions on sensitive or private information. One of the key reasons for executive sessions is to limit the sharing of information to non-committee members and maintain future secrecy about what transpired in the session. This allows members to address issues in a more open and robust manner while be confident that the discussion will remain behind closed doors.

#### Who can attend executive sessions

Attendance is limited to members of the specific group that is meeting. For the Department Executive Committee attendance is limited to voting members of the committee, with the exception being the Commander may invite non-voting members to attend to provide context or specific information of value for the meeting. Therefore, only voting members of the DEC and past Commanders may attend the executive meeting except as noted above.

#### Actions taken during executive sessions

The key here is that discussions during an executive session are always kept secret. That means special and separate minutes of the meeting are taken by an individual designated by the Commander. There is no electronic recording of the meeting in any manner. This is not to say that the DEC cannot elect to share specific information outside the meeting. What can be shared must be specifically described and voted on by the committee.

#### Leaking executive session secrets

Violating the secrecy of an executive session is an offense subject to disciplinary action. Violations will be brought to the attention of the DEC and verified by the Judge Advocate. If a member is found to have violated the secrecy, he or she will be censored by a majority vote of the DEC. Censorship will remove their voting privileges but not their voice.

#### Outline to conduct an executive session.



- Properly move the session into executive session. Exclude those that must be excluded.
- Regular session minutes record that the Board went into the Executive Session at whatever time. Regular session minutes are suspended at this point.
- Stop recording the executive session minutes with the move to executive session.
- Emphasize the confidential nature of the executive session
- If a motion is required, it is moved and seconded to deal with a particular issue.
- Record the motion only in the executive session minutes
- Have an open and fulsome discussion on the matter.
- When discussion is closed (including possible amendments to the original motion, properly moved, seconded and voted upon), call the current question.
- Executive minutes record any amendments and their disposition and the disposition of the final question.
- A motion is made, seconded and voted upon if there is a desire to share specific components of the decision was made to members outside the executive session. If is voted to share, only the motion and the decision on the question is shared.
- Executive session minutes record this decision.
- A motion is made, seconded and voted upon to return to regular session.
- Executive session minutes end with the motion to return to the regular session.
- Executive Session minutes are kept separate from the regular session minutes and only shared with those board members actually present at that Executive Session. They will be approved at the Board's next Executive Session.
- Regular session minutes resume, with a statement: The Board returned to regular session at whatever time.

The minutes of the executive session will have to be approved by the DEC in an executive session at their next meeting.

- NOTE: A motion to go into executive session is a “question of privilege.” Meaning that it takes precedence over discussions and the chair must address it immediately. The reason for this is simple. If a member during his or her discussion point brings up a

subject that should only be made known to the members of the committee, a member of the committee must rise and state that he or she has a question of privilege. This stops the meeting, and the chair must address the question. But importantly it stops that information from being made public.

**Motion 3** - Establish minimum membership for the establishment of a post American Legion Riders Chapter. Currently there is no guidance on how many members a post must have to create an American Legion Riders Chapter. This motion seeks to establish the number at 5 motorcycle riders.

**Motion 4** – the National Judge Advocate issue a legal interpretation on the relationship of Post and Sons of the American Legion and American Legion Riders programs. The interpretation basically states that constitution and by-laws must be approved by the Post Executive Committee (PEC) of the post. In addition, the programs must only allow eligible veterans and off springs of veterans to be members. And financial reports must be provided to the post at post PEC meetings. The key points from the National Judge Advocate are as follows:

## FOUR RULES OF AN AMERICAN LEGION PROGRAM

The American Legion's most prized possessions are its name, emblem and logo. Its century of existence has built an environment of respect around those three things. Protecting those prized possessions is necessary to ensure that the environment of respect remains in place.

The American Legion's work under the four pillars, particularly the work involving Americanism and Children and Youth, often involves outside organizations and almost always community partnerships. Protecting the three possessions requires that rules be put in place to ensure that protection continues.

Many programs exist to carry forward The American Legion's work. Some are strictly internal, such as Sons of the American Legion and Legion Riders, while others are more external, such as American Legion Baseball and Boys State. Regardless of whether they are internal or external, these programs must obey the same set of rules, even though in some cases, seemingly independent organizations are created to assist with the work of a particular program.

All programs, whether strictly internal or organized under a subsidiary corporation or entity, must obey the following four rules. Whether the program in question is chartered by a Post, a County or District, a Department or National as the parent organization, this requirement is in place.

If one or more of these rules is violated, National will need to enforce intellectual property rights against the organization that caused the violation.

**Rule #1 – “Leadership”** – All elected and appointed leaders must be confirmed by the parent organization after each selection, or as needed.

**Rule #2 – “Rules”** – All bylaws, amendments and/or standing rules must be presented to the parent organization for confirmation and approval prior to use.

**Rule #3 – “Reports”** – The program will provide to the parent organization: (a) monthly activities reports; (b) quarterly financial reports; (c) an annual financial statement; and (d) any additional report(s) requested by the parent organization.

**Rule #4 – “Controls”** – The parent organization may provide the program with the employer identification number (EIN) and the tax-exemption status, with the necessary financial controls over their usage. All program financial accounts must have a minimum of two (2) signatories appointed by the parent organization.

By signing the following statement, you acknowledge that you have read and understand the rules and will comply with those requirements. It is recommended that this form be signed by the program leader and a post officer annually or when there is a change in leadership.

Post	Program Name	
Program Leader	Signature	Date
Post Officer	Signature	Date

**Motion 5** – Request of Finance Officer to simplify the transfer of membership funds to posts. The current method creates a false department budget perspective and lends itself to additional bookkeeping actions that take time and money. The new method would transfer the membership funds from national either by check or electronically once a quarter to each post having membership dues paid to national.

## **Motion 6 - RECOMMENDED CHANGES TO THE PERSONNEL POLICY MANUAL DEPARTMENT OF ARKANSAS**

### **RECOMMENDED CHANGES TO THE PERSONNEL POLICY MANUAL DEPARTMENT OF ARKANSAS**

NOTES: for Ease of comparison I have written the existing wording with a line through parts to be

removed and new additions are in red.

#### **SECTION 1. Personnel Manual status**

Sub-Section C. custody and maintenance of Manual: (page 5)

This Manual will be maintained at Department headquarters by the Department Adjutant in a

hard copy and in electronic format for ease of sharing and research. The Department Adjutant

is responsible for the maintenance and updating of this manual. The Department Policy

Committee is responsible for the maintenance and updating of this manual, with all changes

being approved by the DEC before implementation.

The following to be added to Section 1: (page 6)

Sub-Section F. classifications of employment:

1) Full time Salaried employee, The Department Adjutant shall be a full time salaried

employee, entitled to all benefits, except overtime pay, offered in this manual.

2) Full time hourly employees, Staff position 1 shall be a full time employee paid an hourly

rate and entitled to all benefits offered in this manual.

3) Temporary employees, they shall be paid an hourly rate and only work a set number of

days defined before the first day of work. They are entitled to overtime pay and holiday pay

only.

4) Part time employees are paid an hourly rate and only work up to 35 hours per week; they

are not entitled to any benefits offered in this manual.

5) Volunteer employees, are not to receive any pay or compensation of any kind.

## SECTION 14 The American Legion, Department of Arkansas – Job Descriptions

### Sub-Section A. Department Adjutant (page 22)

Part 22) All employees, including the Department Adjutant, shall receive the policy and

procedure manual, and their job Description. It is incumbent on the adjutant Department

Commander to make sure we have on file a signed copy stating that each employee has read

and understands both documents before receiving their first paycheck. All employees including the Adjutant shall make sure all forms are filled out when requesting time off for sickness, leave or compensation time.

The above to be moved to Section 2. General Overview. As the fourth paragraph. With changes noted. (page 6)

SECTION 14; Sub-Section A; part 22) to read: (page 20)

22) All employees, including the Department Adjutant shall make sure all forms are filled out when requesting time off for leave and sickness.

SECTION 15. ANNUAL, COMPENSATORY, AND SICK LEAVE ACCURAL POLICY (page 24)

Sub-Section e. Code 103- compensatory time (page 29 & 30)

This entire Sub-Section to be eliminated.

Sub-Section f. 103-11 Other types of leave: The Department of Arkansas does conform with the

Family Medical Leave Act.

To be relabeled and renumbered as

Sub-Section e. Code 103 Other types of Leave: The Department of Arkansas does conform with

the Family Medical Leave Act.

With parts:

103-12 to become 103-1

103-14 to become 103-4

103-15 to become 103-5

103-16 to become 103-6

103-17 to become 103-7

All wording in the above parts to remain unchanged.

The following to be added to Sub-Section e. Code 103 as part

103-2 Bereavement Leave Policy:

Bereavement leave is to be limited to immediate family and Grandparents and In-law

parents. It is to be treated as any other leave for sickness or disability. The employee may elect

to take the leave of absence without pay without exhausting accumulated annual and sick

leave.

The Following additions to be made to Sub-Section f. 103-11 Other types of Leave:

part 103-13 Leave without Pay. Also to be moved to Sub-Section e. Code 103 other types of Leave.

And numbered as part 103-3 Leave without Pay. (page 30)

103-3 Leave without Pay.

Employees may not take leave without pay until all their annual leave has been exhausted, except in

the cases of maternity, bereavement and the Department disciplinary leave without pay. In the case of

maternity and bereavement leave such employee may elect to take leave without pay, without

exhausting accumulated annual and sick leave. In the case of disciplinary leave without pay, the

Department's written and publicized personnel policies for leave without pay for military service and/or

specialized training.

Employees may be dismissed if they fail to report to work promptly at the expiration of the period of

leave without pay. However, the Department may accept satisfactory reasons provided by the employee

in advance of the date to return to work and extend the leave period accordingly.

**Motion 7** – The department filing system has documents back to 1950s (and further) that have no historical or financial value yet create a huge storage problem for the little space available at the headquarters. The timetable is per the Sabanes-Oxley (SOX) Congressional law. The deletion of documents includes Boys State and American Legion Baseball programs with coordination of these programs management.