



**SPECIAL BYLAWS**

**OF**

**THE**

**AMERICAN LEGION**

**DEPARTMENT OF CONNECTICUT**

**GOVERNING ADMINISTRATION OF**

**THE**

**SOLDIERS, SAILORS**

**AND**

**MARINES FUND**

**Adopted by**  
**The Executive Committee**  
**of**  
**The American Legion Department of Connecticut**  
**on**  
**May 16, 2016**

1. Statutory Authority - The State of Connecticut has established the Soldiers, Sailors and Marines Fund (hereinafter “Fund”) under Sections 27-138 and 27-140 of the Connecticut General Statutes, making provision for certain payments to discharged personnel of the Armed Forces of the United States of America. The American Legion Department of Connecticut has been designated by the Connecticut General Assembly as the organization through which such funds are to be disbursed. Disbursements are made within the resources provided to The American Legion Department of Connecticut by the Trustee. There shall be no obligation on the part of The American Legion Department of Connecticut to provide assistance beyond the resources provided by the Trustee, except as mandated by statute.

2. Responsibility of The American Legion Department of Connecticut - The Legionnaires of the Department of Connecticut have accepted the duties attendant in the statutes with full cognizance of their gravity and with awareness of their responsibility and accountability to both the veterans and the citizens of Connecticut for unimpeachable stewardship of the resources entrusted to them.

3. The State Fund Commission - For the purpose of carrying into effect the provisions of the statutes, a special commission of The American Legion Department of Connecticut shall be appointed, to be known as the State Fund Commission (hereinafter “Commission”).

3a. The State Fund Commission - Powers and Responsibilities - The State Fund Commission shall be the policymaking body of the Soldiers, Sailors and Marines Fund. The Commission shall have full power and authority, as representative of The American Legion Department of Connecticut, to make disposition of all matters arising under the statutes and shall cooperate with the Trustee to carry into full force and effect the provisions of the statutes. The judgment of the Commission shall be final and conclusive in the management and disbursement of all funds paid to it for the purposes provided for under the statutes. Members of the Commission will conduct the affairs of the Soldiers’, Sailors’ and Marines’ Fund in good faith and with honesty, integrity, due diligence, and reasonable competence, acting at all times in the best interests of the veterans whom they serve.

3a (1). Eligibility Guidelines - The Commission shall institute policies specifying the circumstances of financial need which must be met in order to establish eligibility for assistance from the Fund (income, assets, etc.), the duration, frequency, and monetary amount of assistance to be provided, as well as policies regarding the management, disbursement, accounting, and reporting of assistance (See 6. below). The Commission may confer authority upon the Administrator and Assistant Administrator to grant exceptions to the established assistance guidelines in cases where compelling circumstances of need may warrant.

3a (2). Financial and Managerial Oversight - The Commission shall bear fiduciary responsibility for disbursements of the interest accumulations of the Fund and shall implement policies and procedures governing the management and administration of the Fund. The Commission may also issue policy guidance to the Administrator in such other areas (i.e. proposed or pending legislation affecting the Fund), as may be considered appropriate.

3a (3). Personnel Management - The general policies and procedures governing employees of the Fund, such as procedures for recruiting, hiring, evaluating, promoting, as well as those governing “conditions of work” matters, including work hours, vacation, sick leave, diversity and inclusion, safety, environmental, and health, shall be those of the American Legion Department of Connecticut. The State Fund Commission shall exercise, within the context of those policies and procedures, authority and responsibility as follows:

3a (3-1). The Adjutant of the Department of Connecticut and the Chairman of the State Fund Commission shall together manage the job performance of the Administrator. They shall jointly establish core competencies, outline duties, set objectives and expectations, identify goals, review results, recognize accomplishments, take corrective action as necessary, and provide feedback to the Administrator in the form of periodic performance evaluations. No personnel action, either affirmative or negative, shall be taken by the Department or the State Fund Commission without prior consultation with and the assent of the other.

3a (3-2). The Administrator of the Fund and the Chairman of the State Fund Commission shall together manage the job performance of the Assistant Administrator as above, in consultation with the Department Adjutant. The appointment of a Legionnaire to the position of Assistant Administrator shall be made in accordance with the Constitution of the American Legion Department of Connecticut (Article VII, Section 4.). The Department Commander shall nominate an individual only upon recommendation of the State Fund Commission.

3a (3-3). The compensation (salary or wages) of employees of the Fund, whose positions are funded by the State of Connecticut, either from the SSM Trust directly, or through an appropriation from the General Fund, shall be determined by the State Fund Commission in accordance with the budget process established by the state, upon recommendation of the Administrator.

3a (4). Appeals - As specified in Conn. Gen. Statutes Section 27-138c,

any person aggrieved by a decision of the Administrator rendered under Conn. Gen. Statutes Section 27-138b may appeal such decision to a Review Board composed of members of the Commission. The Administrator shall, upon receipt of proper notification of an appeal, promptly appoint a Commissioner to act as president of the Board of Review, as well as a minimum of two other Commissioners to serve on the board. Commissioners have the duty to make themselves available for service on any such Review Board. The president shall convene the board at the earliest practical opportunity. Appeals shall be based solely upon the record of the hearing conducted pursuant to Section 27-138b. Written notification of the decision of the Board of Review shall be provided to the appellant as specified by statute.

3b. The State Fund Commission - Composition, Qualifications and Terms - The State Fund Commission shall be composed of nine (9) voting members (Commissioners) and the Department Treasurer of The American Legion, who shall also have voice and vote on the Commission and serve as Recording Secretary. All members of the Commission shall be Legionnaires in good standing. Members (Commissioners) shall be nominated by the Department Treasurer, approved by the Commission, and appointed by the Executive Committee of The American Legion Department of Connecticut. The term of office of the members shall be for three (3) years from the date of appointment. Appointments will be staggered so that no more than three (3) members are appointed annually, unless a vacancy should occur by reason of death or resignation. Members may serve terms in succession. No serving officer of The American Legion Department of Connecticut shall also serve as a Commissioner.

3c. The State Fund Commission - Chairmanship - The Commission shall elect from its number one Commissioner to serve as Chairman. The principal role of the Chairman is the management and leadership of the State Fund Commission. The Chairman is accountable to the Commission and acts as liaison between the Commission and the Administrator of the Fund. The Chairman acts as the communicator for Commission decisions as appropriate. The Chairman is also responsible for: the provision of advice and counsel to the Administrator; ensuring that he or she is generally knowledgeable of the activities of the Fund; ensuring that the Commissioners are properly informed and that sufficient information is provided to enable the Commissioners to form appropriate judgments; developing, in concert with the Administrator, the agendas for meetings of the Commission; conducting the meetings of the Commission; recommending an annual schedule of the date, time and location of Commission meetings; reviewing minutes of Commission meetings; and calling special meetings of the Commission when appropriate. The term of office of the Chairman shall be concurrent with his or her Commission appointment.

3d. The State Fund Commission - Meetings - The Commission shall meet a minimum of three (3) times yearly, unless more frequent meetings are considered

advisable, at the discretion of the Chairman. The Administrator shall give proper notice of the date, time and place of the meetings. The presence of a majority of the Commissioners then in office immediately before a meeting shall constitute a quorum for the conduct of business. No business shall be conducted without a quorum. Commissioners may participate in meetings, or the meetings may be conducted, through the use of any means of communication by which all participants in the meeting may hear each other simultaneously during the meeting. A Commissioner participating by such means is deemed present in person at the meeting. Any action adopted by the Commission by vote of the majority of the Commissioners present at a meeting at which a quorum is present shall be the act of the Commission. Should the Commission be unable to act based on a tied vote, the Chairman shall have the power to vote, at his or her discretion.

3e. The State Fund Commission - Records - The documented deliberations and proceedings of the Commission, in the form of the written minutes of Commission meetings, shall be maintained at the office of the Treasurer of The American Legion and shall be made available to the public in accordance with applicable law.

4. Fund Administration - The Treasurer of The American Legion Department of Connecticut shall serve as Administrator of the Fund and shall have full authority to take such decisions and actions as may be appropriate to the orderly and efficient management of the Fund, in accordance with the applicable laws and regulations and consistent with the instructions and guidance of the State Fund Commission. The Assistant Treasurer of The American Legion Department of Connecticut shall serve as Assistant Administrator of the Fund, shall assume the duties of the Administrator in his or her absence, and shall discharge such other duties in connection with management of the Fund as the Administrator may direct. The Administrator or Assistant Administrator, upon review of the Application for Assistance and supporting documentation, shall determine the specific assistance to be provided in a given case, subject to the provisions of the Connecticut General Statutes and in conformance with the policy guidance of the State Fund Commission. The Administrator shall render a report of the Fund's activities for the preceding year to The American Legion Department of Connecticut at the department's Annual Convention.

5. Fund Representatives - For the purpose of carrying into effect the provisions of the statutes the Administrator shall appoint Fund Representatives to act on behalf of the Fund.

5a. Fund Representatives - Responsibilities - Fund Representatives shall assist veterans in making application for assistance. Assistance to be provided may include execution of the application, provision of information as to the required supporting documentation, collection of such documentation, transmission of applications and correspondence to the Administrator, and information regarding available assistance. Fund Representatives may recommend such assistance as

they consider appropriate to a given need, however, final authority for the determination of assistance to be provided shall reside with the Administrator or Assistant Administrator. Fund Representatives shall aid in disbursing of assistance when granted.

5b. Fund Representatives - Appointment - Fund Representatives shall be appointed by the Administrator. Salaried Fund Representatives shall staff the several regional offices of the Fund. Local posts of The American Legion Department of Connecticut may designate a Fund Representative, normally the Post Service Officer, whose duties shall be as specified in 5a., and who shall serve voluntarily without compensation. Names of those Legionnaires so designated shall be transmitted to the Administrator for approval and appointment. The Administrator may appoint other individuals who demonstrate interest and knowledge as Fund Representatives, including representatives of other chartered veteran service organizations, municipal officials with duties and expertise in the field of veterans' affairs, or representatives of non-governmental organizations serving Connecticut's veterans.

6. Eligibility for Assistance -

6a. Veteran/Family Status - Assistance from the Fund may be provided to needy wartime veterans who have been honorably discharged from military service, spouses living with the veteran, surviving spouses who were living with the veteran at the time of his/her death, and dependent children of the veteran under eighteen (18) years of age (Conn. Gen. Statutes 27-140). The term "wartime veteran" is defined in Conn. Gen. Statutes, Section 27-103. Applicants must furnish documentary proof of qualifying military service.

6b. Residency - Assistance may only be provided to legal residents of Connecticut. Applicants must reside in Connecticut at the time of application and while in receipt of assistance.

6c. Need - Need is defined as physical and/or financial circumstances that have or may have a significant detrimental effect on the quality of life of the family unit, including, but not limited to, the ability to provide for the necessities of life, e.g., food, clothing, medical care and shelter for oneself and one's dependents. The Commission shall establish a maximum allowable amount of liquid assets (assets in the form of cash or those easily convertible into cash) that may be held by a veteran (including his/her immediate family). The Commission shall also establish a maximum level of allowable income (the amount of money received during a specified period of time in the form of salary or wages, pensions or benefits, insurance or other compensation, from the sale or rental of goods or property, or as profit from investments). The maximum income level established shall be made with reference to the current version of the Federal Poverty Guidelines, as published annually by the United States Department of Health and Human Services (for example - a maximum level of income no greater than 300%

- of the current Federal Poverty Level to establish need, and thus, eligibility for assistance). The possession of assets above the established amount or receipt of income above the specified level shall constitute justification for denial of assistance.
- 6d. Documentation - Documents required to establish eligibility may include, but are not limited to, military discharge documents, death certificates, long-form birth certificates, marriage licenses, statements of financial assets, and consent to release of relevant information (i.e., service records, financial records/statements, medical records, employment records).
- 6e. Temporary Duration of Assistance - Assistance, when granted, shall be provided for temporary periods based on the need of the family unit.
7. Categories of Available Assistance - Food, wearing apparel, medical and surgical aid, care and relief (including shelter and utilities) and funeral expenses (Conn. Gen. Statutes, Section 27-140). The Commission shall have authority to interpret the specific types of expenses authorized for payment within each statutory category of assistance.
8. Right to Apply - Any person meeting the basic eligibility requirements of military service, residency and need, shall be afforded the opportunity to complete and file an application, to be interviewed, to receive prompt consideration of his/her request and to be informed of the disposition of the application. No person otherwise eligible to make application for assistance by virtue of wartime service and Connecticut residency shall be denied the right to apply or receive assistance based on race, gender, national origin, age, sexual orientation, disability, religious preference, or membership/lack of membership in any veteran's organization.
9. Right of Appeal - Applicants denied assistance have the right to appeal such denial in accordance with the provisions of the Connecticut General Statutes, Sections 27-138b and 27-138c.

#### History

- The American Legion Special Fund Bylaws were approved by the State of Connecticut Board of Control on January 6, 1920, as provided for in the Public Acts of 1919, Chapter 336, and was adopted at the 2<sup>nd</sup> Convention of The American Legion Department of Connecticut in July, 1920.
- Amended Special Fund Bylaws were adopted at the regularly scheduled meeting of the Executive Committee of The American Legion Department of Connecticut held in Hartford, Connecticut, on the 27<sup>th</sup> day of August 1948.
- Amended Special Fund Bylaws were adopted at the regularly scheduled meeting of the Executive Committee of The American Legion Department of Connecticut held in Marlborough, Connecticut, on the 5<sup>th</sup> day of September 2007. The Special Bylaws were revised from the 1948 version.
- Amended Special Fund Bylaws were adopted at the regularly scheduled meeting of the Executive Committee of The American Legion Department of Connecticut held in Stafford Springs, Connecticut, on the 11<sup>th</sup> day of May 2009. Paragraph 3a, The State Fund Commission - Composition, of the Special Fund Bylaws was amended to expand the membership of the State Fund Commission to nine (9) members.

- Amended Special Fund Bylaws were adopted at the regularly scheduled meeting of the Executive Committee of The American Legion Department of Connecticut held in Wolcott, Connecticut, on the 11<sup>th</sup> day of May 2015. The amendments to the Special Bylaws were dictated by the enactment of Governor's Bill No. 21 (LCO 638), amending the Conn. Gen. Statutes, Sections 27-138 and 27-140 effective July 1, 2014. The bill altered the administration and management of the Fund as well as the scope of responsibilities of the State Fund Commission.

- Amended Special Fund Bylaws were adopted at the regularly scheduled meeting of the Executive Committee of The American Legion Department of Connecticut held in Lebanon, Connecticut, on the 16<sup>th</sup> day of May 2016. Sections 3a(3), 3a(3-1), 3a(3-2) and 3a(3-3) were amended to include The American Legion in the decision making process for hiring and disciplinary actions since changes in the State Statutes dictate that The American Legion now administers the fund.