

OPINION 00-479

December 19, 2000

Ms. Ruby Freeman
Assistant District Attorney
P. O. Box 566
Alexandria, LA 71309

90-A Political Subdivisions – Officers, Agents & Employees
R.S. 42:63(E) R.S. 42:61-66, R.S. 42:62A(4), R.S. 42:62A(5)
An individual may not simultaneously hold two full-time employments or appointive offices.

Dear Ms. Freeman,

You ask this office to determine whether you may serve as a full-time appointed Assistant District Attorney and also serve as a part-time or full-time City Prosecutor.

Of relevance to this discussion is the following provision of the Louisiana Dual Officeholding and Dual Employment Law, specifically, R.S. 42:63(E):

No person holding a full-time appointive office or full-time employment in the government of this state or a political subdivision thereof shall at the same time hold another full-time appointive office or full-time employment in the government of the State of Louisiana, in the government of a political subdivision thereof, or in a combination of these.

For purposes of the dual officeholding provisions of R.S. 42:61-66, "full-time" is defined as "the period of time which a person normally works or is expected to work in a appointive office or employment and which is at least seven hours per day of work and at least thirty-five hours per week of work." R.S. 42:62A(4). Further, "part-time means the period of time which a person normally works or is expected to work in an appointive office or employment which is less than the number of hours of work defined in this Section as full-time". R.S. 42:62A(5).

Thus, a full-time assistant district attorney may hold a part-time position as city prosecutor, but may not hold two full-time positions simultaneously.

Should you have any further questions, please contact this office.

Very truly yours,

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

KLK:ams

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Date Released: December 19, 2000
Date Received:

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