



RICHARD P. IEYOUS
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
Shreveport, Louisiana
71101-5537

430 FANNIN ST
ROOM 309
TELEPHONE: (318) 227-3790
FAX: (318) 226-7144

AUG 20 2002
OPINION NO. 02-0218

Steven E. May
Sheriff & Ex-Officio Tax Collector
Caldwell Parish
P. O. Box 60 - Main Street
Columbia, Louisiana 71418

Dear Sheriff May:

Your request for an Attorney General's opinion has been forwarded to me for research and reply. Specifically, you ask:

Whether a correctional officer paid by your detention center can be allowed to work on patrol and in the radio room in addition to the initial 40 hours worked at the detention center?

After discussing your request with you it appears that detention center correctional officers are paid through the sheriff's department and are not classified as employees in the Civil Service; therefore, they are not subject to Municipal Fire and Police Civil Service regulations. See LSA-Const. Art. 10 § 1 et seq.

Also, the additional employment of detention center officers is not dual office holding which is proscribed by LSA-Const. Art. 10 § 22 and La. R.S. 42:61 et seq. Specifically, La. R.S. 42:63 (E) states:

No person holding a full-time appointive office or full-time employment in the government of this state or of 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.

In your situation as long as at least one of the positions is part-time, there is no dual office holding.

107-SHERIFFS - Constables and marshals, including Ex-Officio Tax Collectors, rights, powers & duties, in general

LSA-Const. Art. 10 § 1 et seq.
LSA-Const. Art. 10 § 22
LSA-R.S. 42:61 et seq.
LSA-R.S. 42:63(E)
LSA-R.S. 33:2218.8
LSA-R.S. 33:1432.1

Detention center correctional officers who are paid by the sheriff's department may also work part-time as deputy sheriffs if they meet the requirements set out in La. R.S. 33:1432.1.

Steven E. May, Sheriff
OPINION NO. 02-0218
Page - 2 -

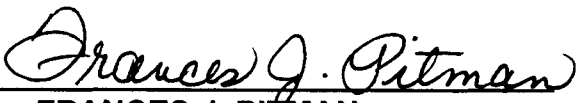
In addition, note that any deputy sheriff hired on a part-time basis is not entitled to extra state compensation as described in La. R.S. 33:2218.8. Prior to receiving this extra compensation a deputy must be employed on a full-time basis and must have enforcement and not purely clerical/nonenforcement duties. Also, the requirements for employment as a deputy sheriff as set out in La. R. S. 33:1432.1 must be met.

In summary, with regard to the facts you have given and the restrictions given above, detention center correctional officers can also work part-time as deputy sheriffs.

We trust this answers your question. However, if you should need anything further do not hesitate to contact this office.

Very truly yours,

RICHARD P. IEYOUNG
ASSISTANT ATTORNEY GENERAL

BY: 
FRANCES J. PITMAN
ASSISTANT ATTORNEY GENERAL

RPI:FJP:sc