

February 4, 2004
OPINION 04-0019

Mr. Louis Buller
P. O. Box 281
Elton, LA 70532

78 DUAL OFFICEHOLDING
R.S. 42:63(E); R.S. 42:62(4) and (5)
Full-time fire chief may not simultaneously hold another full-time
appointive office.

You ask the following legal question: May a person hold full-time employment as fire chief of Fire District Number 6 in Jefferson Davis Parish while also holding the appointive office of Director of Homeland Security for Allen Parish.¹

R.S. 42:63(E) of the Dual Officeholding and Dual Employment Laws prohibits one from holding two full-time positions, whether employment or appointive office. That statute provides:

E. 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.

“Full-time” and “part-time” are defined by R.S. 42:62(4) and (5), stating:

(4) “Full-time” means the period of time which a person normally works or is expected to work in an 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.

(5) “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.

¹ The office of director of homeland security for a parish is an appointive office created by R.S. 29:728 which pertinently provides:

A. Each parish office of homeland security and emergency preparedness thus created shall have a director who shall be appointed by the parish president of the parish establishing such organization and each director shall be commissioned by the director of the state office of homeland security and emergency preparedness. The parish director thus appointed and commissioned shall serve at the pleasure of the parish president.

The law, in general, does not prohibit one from holding full-time employment and part-time appointive office. Assuming that both positions are full-time, the prohibition would apply.

Very truly yours,

CHARLES C. FOTI, JR.
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BY:

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