

June 28, 2006
OPINION 06-0159

Mr. Jeff Kershaw
2041 Holly Wood Ct.
Port Allen, LA 70767

78 DUAL OFFICEHOLDING
R.S. 42:61, et seq.

Elected parish councilman may hold employment as maintenance supervisor for parish school board.

Dear Mr. Kershaw:

You have asked this office to advise whether you may legally retain your full-time employment as maintenance supervisor for the West Baton Rouge School Board while serving as elected councilman in West Baton Rouge Parish.

Under the Louisiana Dual Officeholding and Dual Employment Laws, R.S. 42:61, et seq., the police jury and the school board are two separate political subdivisions.¹ While the law prohibits one from holding local elective office and employment in the same political subdivision, the law does not prohibit one from holding elective office and employment in a separate political subdivision.²

Thus, you as parish councilman may hold employment as maintenance supervisor for the parish school board. In accord with our conclusion herein are Attorney General Opinions 93-69 and 85-247, copies attached.

We hope the foregoing is helpful to you. Should you have other questions in which we may provide assistance, please contact this office.

Very truly yours,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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¹(9) "Political subdivision" means a parish, municipality and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions. In addition for the purposes of this Part., mayor's courts, justice of the peace courts, district attorneys, sheriffs, clerks of court, coroners, tax assessors, registrars of voters, and all other elected parochial officials shall be separate political subdivisions.

² D. No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person shall hold at the same time employment in the government of this state, or in the same political subdivision in which he holds an elective office. In addition no sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority or school board, nor shall any member of any parish governing authority or school board hold any office or employment with any sheriff, assessor, or clerk of court. (Emphasis added).

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Date Received:

Date Released: June 28, 2006

KERRY KILPATRICK
ASSISTANT ATTORNEY GENERAL