



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

FEB 21 2013
OPINION 13-0021

Mr. James L. Mazerat
10416 Dart Street
River Ridge, Louisiana 70123

Dear Mr. Mazerat:

78 DUAL OFFICEHOLDING

La. R.S. 42:61, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law prohibit a full time firefighter from holding a second full time position as a firefighter in a different department.

You have requested an opinion of the Attorney General as to whether a full time firefighter with the City of Kenner can also work full time with the Third District Fire Department. Your request has been assigned to me for research and reply.

The provisions of the Dual Officeholding and Dual Employment Law, found at La. R.S. 42:61 *et seq.*, govern questions concerning the ability to hold two or more public offices and/or positions simultaneously.

Classifying the correct nature of the positions is essential for the purposes of applying the dual officeholding provisions. Based upon the facts that you provided to our office, your employment with City of Kenner as a firefighter is "full time" local employment and falls within the classified system.¹ Your work with the Third District Fire Department would also be characterized as full time local employment.

Although both positions are with different fire departments, the Dual Officeholding and Dual Employment Law would not allow you to hold both of these positions. Holding two full time positions is prohibited by La. R.S. 42:63 (E), which states, in pertinent part:

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.

¹ The dual officeholding law defines "full time" as 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. La. R.S. 42:62(4).

Our office has previously opined that a full time firefighter may hold a second employment as a firefighter if that position is part time.² La. Atty. Gen. Op. No. 09-0053.

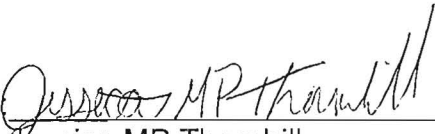
Please note that our expressed opinion relative to state law is limited to an examination of the dual officeholding provisions and does not address any civil service regulations applicable to you. To ensure there is no conflict at that level please contact your local fire and police civil service board.

Further, any potential ethical questions concerning this matter arising under the Code of Governmental Ethics, La. R.S. 42:1111, *et seq.*, must be addressed by advisory ruling of the Louisiana State Board of Ethics. The Board may be contacted at P.O. Box 4368, Baton Rouge, Louisiana 70821, or by phone at 225-219-5600.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY 

Jessica MP Thornhill
Assistant Attorney General

JDC: JMPT

² The dual officeholding law defines "part time" as 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. La. R.S. 42:62(5).