



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

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

MAR 27 2013
OPINION 13-0033

78 DUAL OFFICEHOLDING

Donna Bertrand
P.O. Box 457
Estherwood, LA 70534

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

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full time employee of a local municipality from being appointed to a part time position on a local board.

Dear Ms. Bertrand:

You have requested an opinion of the Attorney General as to whether the Dual Officeholding Laws prevent you from working as a full time employee for the Acadia Parish Police Jury and serving on the Personnel Committee of the Police Jury.¹ 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.

Your current position as the Human Resources Director for the Acadia Parish Police Jury is considered full time² local employment.³ Based on the information you provided, the position on the Personnel Committee is considered a part time⁴ local appointive position.⁵

¹ A non-member of the police jury can serve on a police jury advisory committee. La. Atty. Gen. Op. No. 88-398.

² 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).

³ The dual officeholding law defines "employment" as any job compensated on a salary or per diem basis, other than an elective or appointive office or employment. La. R.S. 42:62(3).

⁴ 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).

⁵ The dual officeholding law defines "appointive office" as any office in any branch of government or other position on an agency, board, or commission or any executive office of any agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state or of a political subdivision thereof. La. R.S. 42:62(2).

The most applicable provision of the Dual Officeholding and Dual Employment Law is La. R.S. 42:63 (E), which state, 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.

Since the appointive position you hold is not full time the Dual Officeholding and Dual Employment Laws do not prohibit holding both of these positions simultaneously.

Please note that our expressed opinion relative to state law is limited to an examination of the dual officeholding provisions. Any concerns regarding a conflict of interest or an ethical issue should be address to 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