



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

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

JUN 28 2013
OPINION 13-0069

Chad Monceaux
604 W. 14th Street
Crowley, Louisiana 70526

Dear Mr. Monceaux:

71-1-1 MUNICIPAL FIRE AND POLICE CIVIL SERVICE
78 DUAL OFFICEHOLDING

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

The Dual Officeholding and Dual Employment Laws, La. R.S. 42:61, *et seq.*, do not prohibit a Fire Captain with the City of Crowley Fire Department who works full time in that position, from serving part time on a Fire Protection District Board covering another area of Acadia Parish.

You have requested an opinion of the Attorney General as to whether the Dual Officeholding Laws prevent you from working as a full time Captain for the Crowley Fire Department and serving on a newly created Fire Protection District Board. 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 a Fire Captain with the Crowley Fire Department is considered classified, full time,¹ local employment.² Based on the information you provided, the position on the Fire Protection District Board is considered a part time,³ local appointive position.⁴ You have further stated that this Fire Protection District does not include the City of Crowley and is an uncompensated position.

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).

² The dual officeholding law defines "employment" as any job compensated on a salary or per diem basis, other than an elective or appointive office in which a person is an employee of the state government or of a political subdivision thereof. La. R.S. 42:62(3).

³ 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).

⁴ 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 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.

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. It does not address any civil service rules which might be applicable. Any concerns regarding a conflict of interest or an ethical issue should be addressed 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