



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

September 24, 2013

OPINION 13-0122

Honorable Gerald Jermarr Williams
Mayor, Town of White Castle
Post Office 488
White Castle, Louisiana 70788

78 DUAL OFFICEHOLDING

La. R.S. 42:62; La. R.S. 42:63

The Louisiana Dual Officeholding and Dual Employment Law, La. R.S. 42:61, *et seq.*, does not prohibit the Mayor of the Town of White Castle from simultaneously holding a part-time or full-time position of employment as a school teacher with a local school board.

Dear Mayor Williams:

You have requested an opinion of the Attorney General as to whether you, as the elected mayor of the Town of White Castle ("White Castle"), may simultaneously hold employment as either a part-time or full-time school teacher with a local school 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 holding of two or more public offices and/or employments. Identifying the correct nature of the positions held is essential for purposes of applying the dual officeholding provisions.

Of relevance here is La. R.S. 42:63(D), which, in general, prohibits one who holds "an elective office in a political subdivision of this state" from simultaneously holding "employment ... in the same political subdivision in which he holds an elective office."¹ For purposes of dual officeholding, a mayor holds "elective office in a political subdivision of this state" as defined by La. R.S. 42:62(1) and (9), which provides, in pertinent part, as follows:

(1) "Elective office" means any position which is established or authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof, which is not a political party office, and which is filled by vote of the citizens of this state or of a political subdivision thereof.

(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.

¹ We note that pursuant to La. R.S. 42:63(D), "[n]o sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority or school board."

With respect to the second position, you contemplate holding either part-time² or full-time³ employment as a school teacher with a local school board. La. R.S. 42:62(3) 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." As defined by La. R.S. 42:62(9), the term "political subdivision" means and includes a school board for purposes of applying the dual officeholding and dual employment provisions.

As stated above, La. R.S. 42:63(D) does not prohibit a local elected official from holding employment in a separate political subdivision.⁴ Thus, it is the opinion of this office that a person holding the elected position of mayor is not prohibited from simultaneously holding a part-time or full-time employment position as a school teacher with a local school board.

Finally, note that our expressed opinion relative to state law is limited to an examination of the dual officeholding provisions. 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, LA 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: Erin C. Day
Erin C. Day
Assistant Attorney General

JDC: ECD

² La. R.S. 42:62(4).

³ La. R.S. 42:62(5).

⁴ See also, La. Atty. Gen. Ops. No. 09-0126, 05-0422, and 92-525.