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State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

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Opinion 15-0037

Quint Liner
Fire Chief
Terrebonne Parish Fire District #10
1038 Falgout Canal Rd.
Theriot, LA 70397

47-A-1 Fire Protection Districts

La. Const. art. X, sec. 16

La. R.S. 33:2471 *et seq.*

La. R.S. 33:2531 *et seq.*

La. R.S. 40:1491 *et seq.*

There is no statute which requires the secretary-treasurer of the Terrebonne Parish Fire Protection District No. 10 to have a job description.

Dear Mr. Liner:

Your question concerning the necessity of job descriptions for an employee of a fire protection district has been assigned to me for research and reply. You indicate that the Terrebonne Parish Fire Protection District #10 ("FPD #10") has eight full-time employees and one part-time employee. You further indicate that the eight full-time employees have job descriptions, but that the one part-time employee, who serves as secretary-treasurer, currently has no job description. You ask whether there is a law that requires the secretary-treasurer position to have a job description. You have also noted that the secretary-treasurer is not a board member nor delegated to fulfill a board member's role, thus La. R.S. 40:1497 is not relevant to your inquiry.

La. Const. art. X, sec. 16 provides for a classified civil service system for fire protection districts. La. R.S. 33:2531 *et seq.* sets forth the fire and police civil service law for fire protection districts.

When a civil service system is established, a plan must be created which includes job positions and job specifications for all positions in the classified service. La. R.S. 33:2543. State law requires that the classified service system shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the government of the municipality, parish or fire protection district. La. R.S. 33:2541(A) contains a list of certain positions and duties to be included in the classified civil service. Section B of La. R.S. 33:2541 outlines positions which comprise the "unclassified" system of service.

Based on the facts you provided to our office, we do not think that the part-time secretary-treasurer position at FPD #10 falls within the classified civil service system. Further, you have indicated that this position is part-time, and part-time employees are exempt from classified civil service. La. R.S. 33:2541(B)(4). See also La. Atty. Gen. Op. No. 11-0272A. Further, La. R.S. 33:2541(B)(3) expressly excludes secretaries who

are not specifically included in the classified service from the classified civil service. Therefore, the secretary-treasurer position would be an unclassified position.

Our office is not aware of any existing statute or court issued opinions which require the part-time secretary-treasurer of a fire protection district to have a job description. However, this would not prevent the creation of a job description for this position if the fire protection district wants to have one.

La. R.S. 40:1500 states, in pertinent part, "[f]ire protection districts shall constitute public corporations and as such shall have all the powers of public corporations, including perpetual existence and the right and power to incur debt and contract obligations, to sue and be sued, and to have a corporate seal." A public corporation such as this largely has the ability to determine the functions of a secretary, treasurer, or secretary-treasurer.

If the board governing FPD #10 wishes to create a job description and seeks assistance doing so, we note that, under La. R.S. 33:2537, the duties of a fire protection district civil service board include the duties to advise and assist the fire protection district with personnel standards and administration, as well as to make and promulgate rules for personnel policy.

We hope this opinion adequately addresses the concerns you have raised. If you have any further questions, please do not hesitate to contact our office.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY: 
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Assistant Attorney General

JDC: JMW