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State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
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OPINION 15-0064

Honorable Camille A. Morvant, II
District Attorney
Lafourche Parish
P.O. Box 451
Thibodaux LA 70302

78 Dual Officeholding

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

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full time employee for the Lafourche Parish Department of Public Works from holding part time employment with the Fifth Ward Gravity District.

Dear Mr. Morvant:

Our office received your request for an opinion regarding whether a full time employee for the Lafourche Parish Department of Public Works ("Department") may accept part time employment with the Fifth Ward Gravity District ("District").

The provisions of the Dual Officeholding and 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 held is essential for the purposes of applying the dual officeholding provisions.

The Parish of Lafourche ("Parish") is a local governmental subdivision operating under a home rule charter under the authority of La. Const. art. VI, § 5. The Department is part of the Executive Branch of the Parish. The position with the Department is a position of "full time" "employment" for the purposes of the Dual Officeholding laws.¹

The District was created by the governing authority of the Parish as a political subdivision of the State pursuant to the provisions of La. R.S. 38:1755.² The District desires to hire a full time employee for the Department as a part time employee for the District. According to the information provided to this office, the work for the position with the District will not conflict with the work hours and duties of the employee's full

¹ "Full time" means 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). "Employment" means 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. La. R.S. 42:62(3).

² Article IV, Sec. 34-82 of the Home Rule Charter of the Parish of Lafourche, Louisiana.

time position with the Department. The position with the District is considered a position of "part time" "employment" for the purposes of the Dual Officeholding laws.³

The Parish and the District are considered separate political subdivisions of the state for the purposes of the Dual Officeholding laws.⁴

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

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.

The prohibition of La. R.S. 42:63(E) is inapplicable because one of the positions is full time and one of the positions is part time.⁵

Based on the applicable provisions of law and the information you provided, it is the opinion of this office that a full time employee for the Lafourche Parish Department of Public Works is not prohibited by the Dual Officeholding provisions from holding part time employment with the Fifth Ward Gravity District

Please note that our expressed opinion is limited to an examination of the state law relating to Dual Officeholding. Further, it does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* Advisory rulings addressing questions under the Ethics Code are within the jurisdiction of the Louisiana State Board of Ethics. The Board may be contacted at the following address: P.O. Box 4368, Baton Rouge, LA 70821, phone: 225-219-5600.

³ "Part time" means 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 "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. La. R.S. 42:62(9).

⁵ Based on the information provided to our office, none of the specific "incompatible office" prohibitions contained in La. R.S. 42:64 are applicable to the factual scenario of your request.

We hope that this opinion adequately addresses 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,

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