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ATTORNEY GENERAL

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

November 30, 2015  
**OPINION 15-0118**

John P. Levron, Jr.  
Vice President Garyville Volunteer  
Fire Department  
P.O. Box 553  
Garyville, LA 70051

78 Dual Officeholding

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

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a volunteer fireman for the Garyville Fire Department from holding employment with AM-PM Services Inc. and also serving as the Vice President for the Garyville Fire Department.

Dear Mr. Levron:

Our office received your request for an opinion regarding whether a volunteer fireman for the Garyville Fire Department ("Department") may hold employment with AM-PM Services Inc. ("AM-PM") and also serve as the Vice President for the Department.

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 held is essential for the purposes of applying the Dual Officeholding provisions.

According to the information provided to our office, the Department is comprised of volunteer firemen. The President and Vice President for the Department are elected by the volunteer firemen. Our office has consistently opined that the provisions of the Dual Officeholding and Dual Employment Law are not applicable to volunteer firemen.<sup>1</sup> Therefore, the provisions of the Dual Officeholding and Dual Employment Law do not apply to a volunteer fireman for the Department or to a volunteer fireman who serves as Vice President for the Department.

According to the additional information you provided to our office, a volunteer fireman is employed by AM-PM, a private company that provides temporary contract labor services. AM-PM has a contract to provide labor services to the St. John the Baptist Parish Department of Fire Services, which is a department of the governing authority of St. John the Baptist Parish. The volunteer fireman is assigned by AM-PM to serve as a mechanic for the 17 fire stations in St. John the Baptist Parish. The volunteer fireman is an employee of AM-PM. The volunteer fireman is not an employee of St. John the Baptist Parish nor has he personally contracted with St. John the Baptist Parish to provide services to the fire stations. Our office has opined that the provisions of the

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<sup>1</sup> La. Atty. Gen. Op. Nos. 11-0249, 07-0113 and 04-0002.

Dual Officeholding and Dual Employment Law are not applicable to employees of private companies.<sup>2</sup> Therefore, the provisions of the Dual Officeholding and Dual Employment Law do not apply to a volunteer fireman who is an employee of AM-PM.

The provisions of the Dual Officeholding and Employment Laws are only applicable to positions of public office or public jobs.<sup>3</sup> None of the three positions of concern are positions of public office or public jobs.

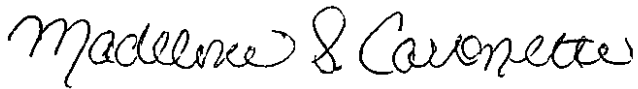
Based on the applicable provisions of law, our prior opinions and the information you provided, it is the opinion of this office that a volunteer fireman for the Garyville Fire Department is not prohibited by the Dual Officeholding provisions from holding employment with AM-PM Services Inc. and also serving as the Vice President of the Board for the Garyville Fire Department, Inc.

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.

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,

JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

BY:   
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Madeline S. Carbonette  
Assistant Attorney General

JDC: MSC:jr

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<sup>2</sup> La. Atty. Gen. Op. Nos. 13-0208, 13-0022, 11-0174, 03-0415 and 02-0415.

<sup>3</sup> La. R.S. 42:61(A).