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DEPARTMENT OF JUSTICE
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OPINION 24-0080

The Honorable Eddie Jones, Jr.
Mayor Village of Florien
P.O. Box 68
Florien, LA 71429

78 Dual Officeholding

La. R.S. 42:61, *et seq.*
La. C.C.P. Art. 331
La. R.S. 13:5537

La. Const. art. 5, § 27
La. R.S. 33:321, *et seq.*

Dear Mayor Jones:

The provisions of the Dual Officeholding and Dual Employment Law prohibit a full-time Sabine Parish Sheriff Deputy Sheriff from serving as a full-time police officer for the Village of Florien.

Our office received your request for an opinion regarding whether a full-time Sabine Parish Deputy Sheriff may serve as a full time police officer for the Village of Florien.

Pursuant to La. Const. art. X, § 22, the legislature has enacted laws regulating dual employment and defining, regulating, and prohibiting dual office holding in state and local government. 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 and Dual Employment Law.

The Sabine Parish Sheriff, who is an elected public official, is authorized to hire deputies as necessary.¹ The position of Deputy Sheriff is specifically established by the laws of the state.² A full-time Deputy Sheriff holds a “full time” “appointive office” for purposes of the Dual Officeholding and Dual Employment Law.³

The Village of Florien is governed by the Lawrason Act, La. R.S. 33:321, *et seq.* The Village has adopted a mayor-board of aldermen form of government. The Chief of Police is elected in accordance with the provisions of La. R.S. 33:381(B). The Chief is authorized to appoint police personnel subject to the approval of the Mayor and the

¹ La. Const. art. V, § 27 and La. C.C.P. Art. 331.

² La. R.S. 13:5537.

³ “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). “Appointive office” means 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).

Board of Aldermen.⁴ A full-time police officer for the Village holds “full time” “employment” for the purposes of the Dual Officeholding and Dual Employment Law.⁵

The Sabine Parish Sheriff and Village of Florien are separate political subdivisions for the purposes of the Dual Officeholding and Dual Employment Law.⁶

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.

La. R.S. 42:63(E) prohibits a full-time Sabine Parish Deputy Sheriff from serving as a full-time police officer for the Village of Florien.

Please note that our expressed opinion is limited to an examination of the state laws relating to Dual Officeholding and Dual Employment. 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.

⁴ La. R.S. 33:423(A).

⁵ “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).

⁶ “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 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).

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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