



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

February 24, 2025
OPINION 24-0161

Mr. Terrance A. Prout
Jefferson Parish Human
Resources Authority
3616 S. 1-10 Service Road W.
Suite 200
Metairie, LA 70001

78 Dual Officeholding

La. R.S. 42:61, *et seq.*
La. C.C.P. Art. 331
La. R.S. 28:910, *et seq.*

La. Const. Art. 5, § 27
La. R.S. 13:5537

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a Jefferson Parish Deputy Sheriff from serving as a counselor with the Jefferson Parish Human Services Authority through a professional services contract.

Dear Mr. Prout:

Our office received your request for an opinion regarding whether a Jefferson Parish Deputy Sheriff may serve as a counselor with the Jefferson Parish Human Services Authority through a professional services contract.

Question: Whether a Jefferson Parish Deputy Sheriff may serve as a counselor with the Jefferson Parish Human Services Authority through a professional services contract.

Conclusion: The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a Jefferson Parish Deputy Sheriff from serving as a counselor with the Jefferson Parish Human Services Authority through a professional services contract.

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 Jefferson 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

¹ La. Const. Art. 5, § 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

The Jefferson Parish Human Services Authority was created as a political subdivision of the state pursuant to La. R.S. 28:915(C). According to the information provided to this office, the Jefferson Parish Human Services Authority desires to retain the services of the Deputy in question as a part-time counselor through a professional services contract.

Our office has consistently opined that the provisions of the Dual Officeholding and Dual Employment Law are not applicable where an individual provides services through a professional services contract, because a contract is not considered a job compensated on a salary or per diem basis and does not constitute "employment" as defined by La. R.S. 42:62(3).⁴ Thus, the provisions of the Dual Officeholding and Dual Employment Law do not apply.

Based on the applicable provisions of law, our prior opinions and the information you provided, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law do not prohibit a Jefferson Parish Deputy Sheriff from serving as a counselor with the Jefferson Parish Human Services Authority through a professional services contract.

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.*, including the specific question you have asked concerning La. R.S. 42:1121. 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,

LIZ MURRILL
ATTORNEY GENERAL

BY: Madeline S. Carbonette
Madeline S. Carbonette
Assistant Attorney General

LM: MSC

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).

⁴ La. Atty. Gen. Op. Nos. 24-0107, 22-0007, 20-0040, 19-0021, 18-0177, 18-0076, 18-0032 17-0111, 17-0046, 17-0002, 16-0190, 16-0189, 13-0028, 12-0241, 08-0296, 07-0218, 06-0213, 02-0342, 96-359, 95-391, 92-43, 90-578, and 80-413.