



LIZ MURRILL
ATTORNEY GENERAL

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

April 23, 2025
OPINION 24-0167

Ms. Cynthia Strong-Thompson
3101 East Causeway Approach
Mandeville, LA 70448-3592

78 Dual Officeholding

La. R.S. 42:61, *et seq.*
5 C.F.R. §930.204

5 U.S.C.A §3105

The provisions of the Dual Officeholding and Dual Employment Law prohibit a United States Department of Labor Administrative Law Judge from serving as a member of the Mandeville Planning Commission and the Mandeville Zoning Commission.

Dear Ms. Strong-Thompson:

Our office received your request for an opinion regarding whether a United States Department of Labor Administrative Law Judge may serve as a member of the Mandeville Planning Commission and the Mandeville Zoning Commission.

Question: Can a United States Department of Labor Administrative Law Judge serve as a member of the Mandeville Planning Commission and the Mandeville Zoning Commission?

Conclusion: The provisions of the Dual Officeholding and Dual Employment Law prohibit a United States Department of Labor Administrative Law Judge from serving as a member of the Mandeville Planning Commission and the Mandeville Zoning Commission.

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 United States Department of Labor was established in accordance with the provisions of 29 U.S.C.A. 551, *et seq.* The Secretary of Labor, who is appointed by the President, is the head of the Department. The Department is authorized to appoint administrative law judges for its proceedings.¹ A full-time Administrative Law Judge holds a "full time" "appointive office" for purposes of the Dual Office and Dual Employment Law.²

¹ 5 U.S.C.A §3105 and 5 C.F.R. §930.204.

² "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

The City of Mandeville operates under a home rule charter. The charter provides for a mayor-president form of government. The Mandeville Planning Commission and the Mandeville Zoning Commission were created by ordinance pursuant to the provisions of La. R.S. 33:102 and La. R.S. 33:4726. The members of the Planning Commission also serve as members of the Zoning Commission.³ A member of the Planning Commission and the Zoning Commission holds a "part time" "appointive" office for the purposes of the Dual Officeholding Law.⁴

The United States Department of Labor is part of the executive branch of the government of the United States. The City of Mandeville is a state political subdivision for the purposes of the Dual Officeholding and Dual Employment Law.⁵

The most relevant provision of the Dual Officeholding and Dual Employment Law is La. R.S. 42:63(A)(1) which provides in pertinent part:

Except as otherwise provided in this Subsection, no person holding an elective office, appointive office, or employment in any of the branches of state government or a political subdivision thereof, shall at the same time hold another elective office, appointive office, or employment in the government of a foreign country, in the government of the United States, or in the government of another state.

La. R.S. 42:63(A)(1) prohibits holding any office in a political subdivision and any office in the government of the United States.

Based on the applicable provisions of law and the information you provided, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law prohibit a United States Department of Labor Administrative Law Judge from serving as a member of the Mandeville Planning Commission and the Mandeville Zoning Commission.

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).

³ Section 2.2.1, Mandeville Code of Ordinances.

⁴ "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).

⁵ "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).

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

LIZ MURRILL
ATTORNEY GENERAL

BY: *Chimène St. Amant*
Chimène St. Amant
Assistant Attorney General

LM:CS