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STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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July 24, 2025
OPINION 25-0068

Constable Cameron Fontenot
25110 Tate Rd.
Kinder, LA 70648

71-1-1 – MUNICIPAL FIRE & POLICE CIVIL SERVICE
78 – DUAL OFFICEHOLDING

La. R.S. 42:61, *et seq.*
La. R.S. 40:1492, *et seq.*
La. Const. Art. X, § 9

La. R.S. 13:2583
La. R.S. 33:2564
La. Const. Art. X, § 16

A constable for Jefferson Davis Parish, Ward 3 is prohibited from serving as a full-time Civil Service firefighter for Cameron Parish Fire District 10, pursuant to applicable civil service laws.

Dear Constable Fontenot:

Our office received your request for an opinion regarding whether a constable for Jefferson Davis Parish, Ward 3 can serve as a full-time Civil Service firefighter for Cameron Parish Fire District 10.

Question: Whether a constable for Jefferson Davis Parish, Ward 3 may serve as a full-time Civil Service firefighter for Cameron Fire Protection District No. 10?

Conclusion: No. A constable for Jefferson Davis Parish, Ward 3 is prohibited from serving as a full-time Civil Service firefighter for Cameron Parish Fire District 10, pursuant to applicable civil service laws.

Pursuant to La. Const. art. 10, § 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 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.

Based on the information provided to this office, you were elected as Constable for Jefferson Davis Parish, Ward 3, District 18; and later, you became a civil service firefighter for Cameron Fire Protection District No. 10. The Constable of the Justice of the Peace Court for Jefferson Davis Parish, Ward 3 is elected by the qualified voters within the territorial limits of justice of the peace court, pursuant to the provisions of La. R.S. 13:2583. Thus, the Constable holds an “elective office” for the purposes of the Dual Officeholding and Dual Employment Law.¹

¹ “Elective office” means any position which is established or authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof, which is not a political party office, and which is filled by vote of the citizens for this state or of a political subdivision thereof. La. R.S. 42:62(1).

The Cameron Fire Protection District No. 10 was created within the Code of Ordinances for Cameron Parish, pursuant to the provisions of La. R.S. 40:1492, *et seq.*² In accordance with the provisions of La. R.S. 40:1495, the police jury serves as the governing body of Cameron Fire Protection District No. 10.³ It has been our opinion that the governing body has the power to appoint the fire chief; then, the chief should have the power and authority to hire, train, discipline, and terminate the other firefighters under him.⁴ In a conversation with you, this office confirmed that the fire chief was responsible for your hiring. Additionally, according to the information provided to this office, you are compensated and work 72 hours per week on 24 hour shifts. Thus, this position is classified as "full time" "employment" for the purposes of the Dual Officeholding and Dual Employment Law.⁵

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

No person holding an elective office in a political subdivision of this state shall . . . hold at the same time employment in the government of this state, or in the same political subdivision in which he holds an elective office.

La. R.S. 42:63(D) does not prohibit the simultaneous holding of an elected office in a political subdivision and full time employment in a separate political subdivision.⁶

However, there are specific civil service laws prohibiting a classified civil service firefighter from holding elective office. In your request, you state that you are a civil service firefighter, having qualified through the civil service test to become a firefighter. Furthermore, by constitutional mandate, any "regularly paid fire department" operating within a fire protection district must be incorporated into the civil service system, as required by La. Const. Art X, § 16. The opinions of this office reflect that one full-time firefighter meets the requirement of a "regularly paid fire department."⁷ Therefore, all fire departments within Cameron Fire Protection District No. 10, along with their employees, must be included in the civil service system.

² Code of Ordinances Parish of Cameron, Louisiana, Sec. 20-39.1

³ Code of Ordinances Parish of Cameron, Louisiana, Sec. 20-39.3

⁴ See La. Atty. Gen. Op. No. 07-0152.

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 La. R.S. 42:62(9) defines "political subdivision" as a parish, municipality, and any other unit of local government, including . . . 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.

⁷ See La. Atty. Gen. Op. Nos. 11-0272 and 01-379.

La. Const. Art. X, § 2 divides civil service into "classified" and "unclassified" positions and states, "[p]ersons not included in the unclassified service are in the classified service." As a firefighter is not included in the unclassified service, it is classified civil service.

Once established as classified civil service, fire protection district employees become subject to the provisions of La. Const. Art. 10 § 9(A), which states, ". . . no officer or employee in the classified service shall . . . be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission. . . ." Further, La. R.S. 33:2564(A)(5), applicable to all parishes and fire protection districts operating a regularly paid fire department, stipulates that, "no person elected to public office shall, while serving in the elective office, be appointed to or hold any position in the classified service."

Accordingly, it is the opinion of this office that application of these civil service laws to the instant matter would prohibit the simultaneous holding of classified employment with the fire department and the elective office of constable. A specific civil service law prohibiting a classified firefighter from holding elective office would take precedence over an analysis of the Dual Officeholding and Employment provisions, which more generally would not prohibit the concurrent holding of these offices and/or employments.

Based on the applicable provisions of law, our prior opinions, and the information provided, it is the opinion of this office that a constable for Jefferson Davis Parish, Ward 3 is prohibited from serving as a full-time civil service firefighter for Cameron Parish Fire District 10.

Please note that our expressed opinion 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: Harley Fredieu
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Assistant Attorney General

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