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OPINION 98-145

Mr. Lambert C. Boissiere, III
Constable
Room 208 Civil District Court Building
421 Loyola Avenue
New Orleans, LA 70112

78 DUAL OFFICEHOLDING

LSA-R.S. 42:61 et seq., LSA-R.S. 42:63(E)

Deputy constable may hold employment with school board or sewerage board where employment is held on a part-time basis.

Dear Constable Boissiere:

Resolution of your questions requires our examination of Louisiana's Dual Officeholding and Dual Employment Laws, LSA-R.S. 42:61, et seq.

We assume your deputy constable holds his appointment on a full-time basis. To answer your specific question, note that the state Dual Officeholding and Dual Employment Laws, LSA-R.S. 42:61, et seq., do not prohibit one from holding a full-time appointed position while holding another position of employment, as long as the second position is held on a part-time basis. The prohibition of the law is involved where both positions are held on a full-time basis, as LSA-R.S. 42:63(E) states:

E. 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.

Your deputy sheriff may hold employment with the sewerage board or the school board as long as it is on a part-time basis. The definitional section of LSA-R.S. 42:62 is pertinent and provides:

(3) "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 thereof.

(4) "Full-time" means the period of time which a person normally works or is expected to work in an appointive office or employment which is at least seven hours per day of work and at least thirty-five hours per week of work.

(5) "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.

This opinion is limited to application of the dual employment laws cited above.

Should you have other questions, please contact this office.

Very truly yours,

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BY: 
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