Dual Employment
Dual Officeholding

R.S. 42:61 *et seq.*

Overview

This document is a summary of general principles and guidelines concerning Dual Employment and Dual Officeholding. The guidelines are presented in a "frequently asked questions" (FAQ) format. While it is fairly detailed, remember that every situation is unique and deserves careful individual review.

To facilitate use of this document, links will direct your attention to text within the document and to related documents posted on the Louisiana Legislative Auditor's website and on external websites. For example, in the Index, clicking the question you wish to view will take you directly to that question in the text of the FAQ. Within the FAQ, links will direct you to other textual areas of the FAQ and to relevant external documents. Clicking on an individual question number in the text it will return you to the index to allow selection of another question to view.

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DUAL EMPLOYMENT/DUAL OFFICEHOLDING

Q.1. What law defines and regulates dual employment and dual officeholding?

R.S. 42:61 *et seq.*
LaConst. Art. 10, § 22

A.1. La**.** R.S. 42:61 *et seq.* govern both dual employment and dual officeholding in Louisiana. La.Const. Art. 10, § 22 empowers the Legislature to enact laws defining and regulating dual employment, and defining, regulating, and prohibiting dual officeholding in state and local government.

Q.2. What office makes determinations regarding the provisions of the dual employment and dual officeholding law?

A.2. The Louisiana Attorney General's office makes determinations regarding the provisions of the dual employment and dual officeholding law.

Q.3. What is the purpose of R.S. 42:61 *et seq.*?

A.3. In R.S. 42:61 the Legislature stated in its declaration of policy that the maintenance of a democratic society requires that public officials and employees perform the public business in a manner that serves to promote and maintain in the general citizenry a high level of confidence and trust in public officials, public employees, and governmental decisions. Attainment of this trust is impaired when a public official or employee holds two or more public offices or public jobs that by their particular nature conflict with the duties and interests of each other. Confidence and trust by the general citizenry in public officials, employees, and governmental decisions may also be impaired by the excessive accumulation of governmental power that may result from public officials or employees holding two or more public offices or public jobs.

The Legislature also stated that it is the purpose of the dual employment/dual officeholding law to implement a policy that will serve to maintain a high level of trust and confidence by the general citizenry in public officials, employees, and governmental decisions of the government of this state and of its political subdivisions by defining and regulating dual employment and by defining, regulating, and prohibiting dual officeholding.

Q.4. To whom does R.S. 42:61, et seq. apply?

A.4. **R.S. 42:61, et seq.,** as stated in the Declaration of Policy**,** applies to:

- All public officials; and
- public employees

Definitions in R.S. 42:62 provide a list of public employees and officers in the executive, legislative and judicial branches, as well as in political subdivisions.

Q.5. Which pertinent terms are defined by R.S. 42:61, et seq.?

R.S. 42:62

A.5. ■**"Elective office"** means any position that is established or authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof, that is not a political party office, and that is filled by vote of the citizens of this state or of a political subdivision thereof.

■**"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 that 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 that 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.

■**"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.

◊ The payment of a nominal fee to a volunteer firefighter does not change his or her status as a volunteer to that of a public employee. Because an uncompensated volunteer firefighter is not a public employee, he or she may serve on the board governing the fire protection district. **AG Op. No. 08-0031**. The determination of what is a nominal fee is a fact specific question. **AG Op. No. 10-0053**

◊ Service as a voluntary, uncompensated auxiliary police officer does not constitute employment for the purposes of the Dual Officeholding and Dual Employment Law. **AG Op. No. 19-0055**

◊ Employees of a charter school, including any bus drivers, operated by a non-profit corporation do not hold public positions and/or employment with the State or a political subdivision; therefore, the provisions of the Dual Officeholding and Dual Employment Law are not applicable as to that position of employment. **AG Op. No. 20-0134**

■**"Full time"** means the period of time that 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.

■**"Part time"** means the period of time that 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 as full time.

■**The executive branch of state government** includes the following named officers and all other officers, agents, employees, or other persons holding or exercising an employment with them, namely, the governor; lieutenant governor; secretary of state; attorney general; treasurer; commissioner of agriculture; commissioner of insurance; superintendent of education; members of the State Civil Service Commission, the Public Service Commission, the Board of Regents, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the State Board of Elementary and Secondary Education, the Board of Trustees for State Colleges and Universities, and the State Bond Commission.

The executive branch shall also include the officers, members, agents, and employees of any department, office, agency, instrumentality, board, commission, or other entity created by the constitution or by law whose functions are not primarily legislative, judicial, or local in nature or operation.

■**The legislative branch of state government** includes the members of the Senate and the House of Representatives, the officers, agents, and employees of the legislature of either house or of a committee of either house thereof, the legislative auditor, legislative fiscal officer, or any other agency created by law that is primarily legislative in nature, and any other legislative officer, office, or instrumentality of the state.

■**The judicial branch of state government** includes all judges, employees, and agents of the supreme court, the judicial administrator, courts of appeal, district courts, including the civil and criminal district courts of Orleans Parish, parish courts, city courts, juvenile and family courts, and any other judicial offices and instrumentalities of the state, but does not include judges or employees of courts not enumerated in R.S. 42:62.

■**"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, 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 are separate political subdivisions.

Q.6. **What pertinent prohibitions are included in the dual employment/dual officeholding law?** **R.S. 42:63**

A.6. ■ No person holding an elective office, appointive office, or employment in any of the branches of state government or of 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.

■ A person holding employment in the government of the United States and at the same time holding an appointive office in a political subdivision of the state shall not be in violation, unless the particular nature of his or her employment in combination with the duties and interests of his or her appointive office in a political subdivision of this state is otherwise prohibited or is found to be adverse to the public interest as set forth in R.S. 42:61.

■ A person holding employment in the government of the United States and at the same time holding part-time elective office shall not be in violation, unless the particular nature of his or her employment in combination with the duties and interests of the elective office is otherwise prohibited or is found to be adverse to the public interest as set forth in R.S. 42:61. "Part-time elective office" means an elective office, the holder of which is deemed to be a part-time public servant pursuant to Article X, Section 29.1(A) of the Constitution of Louisiana.

- A justice of the peace is not a part-time elected office. Therefore, a justice of the peace is prohibited under the Dual Officeholding and Dual Employment Law from also serving as an employee of the U.S. Government. AG Op. No. 20-0067

■ Except as otherwise provided by the Louisiana constitution, no person holding office or employment in one branch of the state government shall at the same time hold another office or employment in any other branch of the state government.

■ No person holding an elective office in the government of this state shall at the same time hold another elective office, a full-time appointive office, or employment in the government of this state or in the government of a political subdivision thereof.

■ No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person shall hold at the same time employment in the government of this state, or in the same political subdivision in which he or she holds an elective office. In addition, no sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority or school board, nor shall any member of any

parish governing authority or school board hold any office or employment with any sheriff, assessor, or clerk of court.

- A school board member may accept appointment to position as deputy sheriff immediately upon resignation; however, the Dual Officeholding and Dual Employment Law specifically restricts the ability of any school board member to hold any office or employment with a sheriff, assessor, or clerk of court. **AG Op. No. 16-0066**

- A school board member may hold full-time employment with the city/parish government, but may not hold a full-time appointive office within the city/parish government. **AG Op. No. 17-0031**

- An elected chief of police for a Lawrason Act municipality may hold full-time employment with the Sheriff's Office. **AG Op. No. 19-0063**

- An elected member of the School Board may also serve as a commissioner of an area human services district (Part-time appointed position) and as a member of the board of commissioners of a fire protection district (Part-time appointed position) without violating the Dual Officeholding and Dual Employment Law. **AG Op. No. 19-0044**

■ 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 any combination thereof.

■ No person holding an elective office in any branch of state government shall contract, on a full-time basis, to provide health or health-related services for any agency of state government. No person engaged in a contract on a full-time basis, with any agency of state government to provide health or health-related services shall hold an elective office in any branch of state government.

■ Members of fire and police civil boards may not hold any other elected or appointed public office or public employment unless the public office or employment is required as a qualification for membership on the fire and police civil service board. R.S. 33:2536(B)(2)(c).

AG Op. No. 19-0160
AG Op. No. 20-0005

Q.7. What types of situations indicate incompatible offices that otherwise might be allowed under the dual employment/dual officeholding laws? R.S. 42:64

A.7. ■ The incumbent of one of the offices, whether or not in conjunction with fellow officers or employment, has the power to appoint or remove the incumbent of the other, except that local governmental subdivisions may appoint members of the governing body to boards and commissions created by them and over which they exercise general powers as provided in Article VI, Section 15 of the Constitution. A board or commission so created may elect officers from its own membership. A joint commission of two parishes (except a joint commission that has as its function the operation and maintenance of a causeway and its related roadways) may also appoint a member of one parish's governing body to be its general superintendent.

■ The incumbent of one office, whether or not in conjunction with fellow officers or employment, receives the oath and/or bond of the incumbent of the other.

■ The incumbent of one office, whether or not in conjunction with fellow officers or employment, is charged by law with instituting actions for penalties against the incumbent of the other office or employment.

■ The incumbent of one office, whether or not in conjunction with fellow officers or employment, is required by law to execute orders and follow directions given by the incumbent of the other office or employment.

■ One office, whether or not in conjunction with fellow officers or employment, is charged with auditing the accounts of or approving the budget of the other position.

■ Funds received by one office or employment are deposited with or turned over to the other office or position.

- The full-time director of a Parish Emergency Communications Commission may not be appointed by a police jury to a part-time position on the Board of Commissioners for a parish-wide Fire Protection District when the Fire Protection District provides substantial funding to the Emergency Communications Commission. Such positions are incompatible offices under R.S. 42:64(6). **AG Op. No. 16-0025**

■ A joint commission that has as its function the operation and maintenance of a causeway and its related roadways, created by two or more parishes, shall not appoint a member of the governing authority of any of the parishes or an employee thereof to the joint commission. No member of a parish governing authority or employee thereof shall serve as a member of a joint commission that has as its function the operation and maintenance of a causeway and its related roadways, created by the parish by agreement with one or more other parishes.

■ No other combination of offices or employments shall be deemed to be incompatible unless the powers, functions, or duties are found to be adverse to the public interest as set forth in 42:61.

Q.8. Which civil remedies and/or penalties are associated with the holding of dual employment or dual offices? **R.S. 42:65**

A.8. The attorney general, a district attorney, or any citizen of the state may by summary process petition for a declaratory judgment against a person alleged to be holding or to have held incompatible offices or employments or holding or have held a combination of offices or employments prohibited under this law. Venue for the suit for a declaratory judgment shall be at the domicile of the defendant who is or was employed or at the official domicile of any office held by the defendant.

Prior to filing a petition, the attorney general or district attorney shall send written notice by certified mail to the person detailing his or her alleged violation.

Whether a person has vacated an incompatible or prohibited office or employment prior to the filing of the suit for declaratory judgment or prior to issuance of a final judgment in the suit shall not prohibit the court from (1) declaring that the person has held incompatible offices or employments or a combination of offices or prohibited employments and (2) ordering reimbursement.

If the court declares that the person is holding offices or employments in violation of the this law, the court shall declare the office with the term first to expire or one of the employments vacant and shall enjoin the person from further carrying out the duties of that office or employment; a person holding an elective office, however, shall continue to serve and perform the duties of that office until his or her successor has qualified.

The court may order the reimbursement to the appropriate governmental body of all pay or other compensation and all allowances, including all allowances and payments for travel and other expenses that have been received by the official or employee in the position vacated, during a period of time not to exceed six months preceding the filing of suit for declaratory judgment.

If the person vacates the position or office to remedy a violation within fourteen days after written notice of the violation is sent by the attorney general or a district attorney, he or she shall not be subject to the reimbursement provided for in this Subsection.

If, however, the person against whom a declaratory judgment is rendered had obtained an opinion of the attorney general issued prior to the date of the filing of the suit for a declaratory judgment and if the opinion stated that the combination of offices or employments are not incompatible and are not in violation of this law, the court shall still declare the office with the term first to expire or one of the

employments vacant and shall enjoin the person from further carrying out the duties of that office or employment; the person against whom the declaratory judgment was rendered shall not, however, be required to return any portion of the compensation or allowances received by her or him prior to the date on which the declaratory judgment becomes final.

Whenever any person requests an opinion of the attorney general concerning the offices or employments covered hereby, he or she shall at the same time provide to the attorney general information describing each of the employments or offices concerning which he or she requests the opinion, the number of hours worked or normally expected to be worked by him or her per each day of work for each of such employments or offices, the number of hours worked per week for such employments or offices, and shall thereafter furnish any other information the attorney general deems necessary for the issuance of the opinion.

- Until declaratory judgment is issued and until issuance of subsequent opinion, reliance upon Opinion of Attorney General prevented recovery of compensation for violation of dual officeholding statute.

AG Op. No. 96-0218(B)

Q.9. **Which exemptions allow for dual employment/dual officeholding?**

R.S. 42:66*

A.9. The following classes of officials or employees are by statute specifically allowed to serve in other offices or employments:

■ Faculty or staff of a public higher education institution. R.S. 42:66(O) allows a member of the faculty or staff of a public higher education institution to hold an appointive office or employment in the government of the United States in a health care facility as a health care provider or researcher.

■ Notaries public.

■ Officers in the military service of the United States detailed to educational institutions in the state and persons serving in the National Guard or reserve military forces of the United States or of the State of Louisiana.

■ Delegates to and employees of any constitutional convention or any charter commission.

■ Presidential electors.

■ Persons serving on any board, commission, or committee that is solely advisory in nature.

■ The governor or his or her designee, when serving as a member of a state agency, commission, or other state entity in accordance with a provision of the constitution, laws, resolution, or executive order of this state.

■ Any official who holds another office by virtue of the office to which he or she is elected or appointed.

■ A board member of a community action agency.

■ Persons serving as district or state soil and water conservation committee members.

■ The current administrator of the Jefferson pre-trial release program.

- A school teacher or person employed in a professional educational capacity in a grade school, high school, other educational institution, parish or city school board may hold an elective or appointive office at the same time.

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- A municipal and/or parochial officer or employee may hold another municipal and/or parochial office or employment as specifically authorized by a legislative or home rule charter, but may not do so when prohibited by a home rule charter.

- A coroner may hold another appointive office or employment in any governmental entity in the capacity of a physician.

- Members or officers of a volunteer fire department or a combination fire department.



- Members, appointees, designees, or officers of any unpaid advisory committee, project, working group, or commission.

■ The following class of persons may also hold the position of assistant United States attorney when so designated for cooperative efforts in criminal prosecutions and without additional compensation:

- The Attorney General.
- Assistant Attorneys General.
- District Attorneys.
- Assistant District Attorneys.
- City Attorneys.
- Assistant City Attorneys.

■ A member of a board of a health care facility of the state, or a political subdivision thereof, may also serve as an employee of a health care facility of the United States government.

■ An employee of the United States Postal Service may also hold at the same time a local elective office in a village or town, provided such village or town has a population of five thousand or less, according to the latest federal decennial census.

■ A person employed in the state classified civil service as a toll collector, whether full time or part time, may at the same time be employed as an emergency rural carrier with the United States Postal Service, provided that such person was employed as a toll collector as of January 1, 1999.

■ An elected school board member may also hold employment as a juvenile probation officer in a district court, as a parish prison warden, or as a deputy sheriff provided that such person, on September 7, 1979, held elective office as a school board member and at the same time held elective or appointive office in juvenile services of the district court, or held elective office as a school board member and at the same time held employment as a parish prison warden or as a deputy sheriff and has continued to so serve as a school board member and in juvenile services of the district court, or as a school board member and as a parish prison warden or a deputy sheriff. However, this provision relative to parish prison wardens and deputy sheriffs shall not be applicable in **Orleans Parish, Jefferson Parish, or East Baton Rouge Parish.**

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▪ A person employed in a professional educational capacity in this State may also serve as an engineer, researcher, or related employee of the federal government concerning healthcare, science, or technology, including for any collaborative program between the federal government and a public institution of higher education.

- "Person employed in a professional educational capacity" includes any person holding appointive office or employment related to or directly affecting the curriculum or educational programs offered by the institution or in a role requiring professional judgment and responsibility of the institution's educational mission.

■ A mayor of a municipality with a population of not more than five thousand who is a licensed physician may also be employed in or appointed to any position for which a physician is required at the Lallie Kemp Regional Medical Center.

■ A deputy sheriff may also hold the office of either mayor or alderman of a municipality, provided such municipality has a population of two thousand five hundred or less, according to the latest federal decennial census.

■ A deputy sheriff may also hold the office of part-time constable of a justice of

the peace court whose jurisdiction has a population of fifteen thousand or fewer persons according to the 1990 federal decennial census, or from holding the office of part-time constable or part-time marshal of a city court in a municipality with a population of ten thousand or fewer persons according to the 1990 federal decennial census, provided such person held both the office of deputy sheriff and the office of constable or marshal prior to January 1, 1997.

■ A chief of police of a municipality with a population of less than five thousand according to the 1990 federal decennial census may also hold the office of deputy sheriff.

■ A person holding employment in the government of the state may also hold at the same time an elective office in the government of a municipality of this state with a population of less than six thousand five hundred according to the 1990 federal decennial census, unless the particular nature of such employment in combination with the duties and interests of such elective office is incompatible or is found to be adverse to the public interest as set forth in R.S. 42:61.

■ The clerk of court of Jefferson Parish may also hold the clerk of court position provided in R.S. 13:2590.2.

■ R.S. 42:61(E) allows a certified public account who is a member of a school board in any parish having a population of less than fifty-thousand to be employed by a sheriff to provide financial or accounting services. Act 536 of 2018 Regular Session.



- A person holding employment in the judicial branch, including as judge ad hoc or pro tempore, may hold at the same time a part-time appointive office in another branch as a designee or appointed member or officer of any board, committee, task force, or commission.*
    - A person serving as a judge ad hoc and compensated on a per diem basis shall not be considered a public employee for the purposes of R.S. 42:1132(B)(4)(c).*
- A qualified court reporter who holds employment in the federal government may serve at the same time as a court reporter in the judicial branch of this State or of a local government subdivision.*

*As amended by Act 790 of the 2026 Regular Session.

Q.10. What special rules exist for members of a planning commission?
R.S. 33:103(C)(1)

A.10. All members of a commission, whether a parish or a municipal planning commission, must serve without compensation, except as otherwise provided, and

may not hold any other public office, except they may also serve as members of any duly constituted regional commission of which their parish or municipality forms a part.

Q.11. What special rules exist for judges? **R.S. 42:39**

A.11. After July 31, 1968, no person serving in or elected or appointed to the office of judge of any court, justices of the peace excepted,* shall be eligible to hold or become a candidate for any national, state or local elective office of any kind whatsoever, including any national, state or local office in any political party organization, other than a candidate for the office of judge for the same or any other court.

■ The provisions above do not prohibit any person from resigning from office as judge of any court for the purpose of becoming a candidate for nomination or election to any national, state or local elective office for which he is qualified and eligible; provided, however, that the resignation of any such person shall be and is made not less than twenty-four hours prior to the date on which he or she qualifies as a candidate for nomination or election to the office to which he or she seeks nomination or election.

■ If any judge elected or appointed, justice of the peace excepted,* qualifies for any other elective position, other than those allowed by the provisions of this section, without complying with the provisions set forth above, his or her qualification as a candidate for the other office shall *ipso facto* be null and void.

❖ ***However, see;** *In re Freeman,* released by the Louisiana Supreme Court in December 2008, overruling the exception for Justice of the Peace.

❖ **The Louisiana Supreme Court held that the canon in the Code of Judicial Conduct that prohibits judges, including justices of the peace, from becoming candidates for non-judicial offices prior to resigning their judicial offices controls over conflicting legislative enactment that purports to except justices of the peace from a similar statutory rule; Code of Judicial Conduct is exclusive means by which judges' conduct is measured.** *In re Freeman,* 2008-1820 (La. 12/2/08), 995 So.2d 1197.

Q.12. What special rules exist for members of the Legislature? **R.S. 36:960**

A.12. No member of the Legislature shall hold office or serve in any of the departments or agencies of the executive branch of state government as enumerated and contained in Title 36 of the Revised Statutes.

Please note: the "educator exception" contained in R.S. 42:66(B), which allows teachers or persons employed in a professional educational capacity in grade school, high school, or other education institution, to simultaneously hold elective or appointive office applies to members of the Legislature.

Q.13. Which other special rules address dual employment/dual officeholding?

A.13. Certain entities, as shown in the statutes provided below, have stricter rules imposed upon them than what the general dual employment/dual officeholding statutes would otherwise allow.

Red River Waterway District Commission **R.S. 34:2303.1**

No member of the commission may simultaneously serve on any port commission within the jurisdiction of the waterway. Membership on the commission shall terminate thirty days after July 7, 1989 for any person not in compliance herewith, and the vacancy shall be filled for the unexpired portion of the term in accordance with R.S. 34:2304.

Aldermen **R.S. 33:385C**

No member of the board of aldermen shall hold any other office or employment under the municipal government while a member of the board, except as is provided for in R.S. 33:381 and R.S. 33:386. No member of the board of aldermen, or any other officer of the corporation, shall be directly or indirectly interested in any work, business, or contract the consideration of which is to be paid from the treasury of the municipality, nor be surety for any person having a contract, work, or business with the municipality, for the performance of which security may be required, nor be surety for any officer or employee, except that the aldermen of the town of Erath shall be permitted to enter into contracts with the town for services or supplies available only by or from aldermen, only after public notice and full compliance with the public bid law.

Q.14. What is the effect of the 2010 repeal of the form of government known as Commission or City Manager Plan?

A.14. Certain statutes, such as R.S. 33:713, were aimed at restricting the dual employment of commissioners, officers and other employees of a commission or city manager form of government. Act 39 of the 2010 Regular Session repealed the form of government known as the commission or city manager plan, comprised of R.S. 33:501 through 571, and R.S. 33:611 through 851. It is unclear at this time, but in all likelihood these forms of government would have the same restrictions on dual employment and officeholding as other forms of government.

Attorney General Opinions

This section on Attorney General (AG) Opinions contains **extensive quotes** from some of the opinions to illustrate the logic used in applying the relevant statutes to the facts at hand. The opinions are arranged according to topic rather than year. **Red** font means they are the latest AG opinions on the subject.

The AG repeatedly emphasizes the following caveat in answering questions related to dual employment:

> **Please also note that the AG Opinions are limited to an examination of the dual officeholding law. They do 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.**

In General

NEW 2026

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an advisory board member for Ascension Parish Hospital Foundation, Inc. (a private corporation) from serving as an elected state, parish or municipal official because the Law does not apply to private corporations. **AG Op. No. 26-0010**

- The provisions of the Dual Officeholding and Dual Employment Law prohibit an Iberville Parish Council member from serving as a full-time community coordinator or insurance claims coordinator in the City of Plaquemine's Administration Division. R.S. 42:64(A)(6) provides that no offices or employments shall be held by the same person under the conditions that funds received by one office or employment are deposited with or turned over to the other office or position. **AG Op. No. 25-0076**

- The provisions of the Dual Officeholding and Dual Employment Law do not apply to private entities or their officers or employees. Therefore, the President of the Vidalia Girls Softball League (a private entity) may simultaneously serve as the Recreation Director for the Concordia Parish Recreation District No. 3. **AG Op. No. 25-0057**

- The provisions of the Dual Officeholding and Dual Employment Law prohibit a US Department of Labor Administrative Judge from serving as member of the Mandeville Planning & Zoning Commissions. R.S. 42:63(A)(1) prohibits holding any office in the government of the United States and any office in a political subdivision.

AG Op. No. 24-0167

- The provisions of the Dual Officeholding and Dual Employment Law prohibit a member of the Iberville Parish Council from serving as full-time employee of the District Attorney for the 18th Judicial District if the position is an appointive office or is funded by the Iberville Parish Council. R.S. 42:63(D) prohibits an elective office and a full-time appointed office even though the Parish and 18th Judicial District are separate political subdivisions. Further, these two positions are incompatible offices pursuant to R.S. 43:64(A)(6), as Parish funds the 18th Judicial District.

  AG Op. No. 24-0130

- The provisions of the Dual Officeholding and Dual Employment Law do not apply to a part-time municipal reserve police officer who receives no salary of per diem. Thus, the prohibition of R.S. 42:63(E) is not applicable to a part-time municipal reserve police officer who is also a full-time probation officer with the State of Louisiana Department of Public Safety and Corrections.

  AG Op. No. 24-0054

- The provisions of the Dual Officeholding and Dual Employment Law are not applicable to a political party office. Therefore, the provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Board of Commissioners of the St. John the Baptist Housing Authority from serving as a member of the St. John the Baptist Democratic Party Executive Committee.

  AG Op. No. 24-0009

- Employees of a charter school, including any bus drivers, operated by a non-profit corporation do not hold public positions and/or employment with the State or a political subdivision; therefore, the provisions of the Dual Officeholding and Dual Employment Law are not applicable as to that position of employment.

  AG Op. No. 20-0134

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of a board of commissioners for a hospital service district from serving as a member of the board of commissioners of a levee and drainage district.

  AG Op. No. 16-0203

- The provisions of the Law prohibit a member of the Avoyelles Parish Policy Jury from serving as the Police Jury's appointee to the Board of Commissioners for the Avoyelles Parish Port Commission. The provisions of the Law do not prohibit the Avoyelles Parish Tax Assessor or a member of the Avoyelles Parish School Board from serving as the Police Jury's appointee to the Board of Commissioners for the Avoyelles Parish Port Commission. The Town of Simmesport may appoint a commissioner appointed by the Police Jury as the Town's appointee to the Port Commission when his term has not expired. **AG Op. No. 16-0068**

- ❑ The provisions of the Law do not prohibit a member of the Iota Long Point Gravity Drainage District from holding the full time position of Deputy Sheriff for the Acadia Parish Sheriff. The provisions of the Law prohibit a member of the Acadia Parish School Board from holding the full-time position of Deputy Sheriff for the Acadia Parish Sheriff. **AG Op. No. 16-0066**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the St. Landry Parish Council from serving as a Commissioner-in-charge or a Commissioner for the St. Landry Parish Board of Election Supervisors. **AG Op. No. 16-0056**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Board of Alderman for the Town of Ferriday from serving as Commissioner for the Consolidated Recreational District No. 1 of the Parish of Concordia. **AG Op. No. 16-0047**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibits the East Feliciana Parish Policy Jury from appointing the Director for the East Feliciana Parish Emergency Communications Commission to the Board of Commissioners for the Parishwide Fire Protection District.
  AG Op. No. 16-0025

- ❑ A full-time employee of a municipality may run for and hold office as a parish councilmember, which is a part-time position, under the provisions of R.S. 42:61, et seq. **AG Op. No. 15-0062**

- ❑ An employee of a private non-profit 501(C)3 volunteer fire department that contracts with a political subdivision is not considered a public employee for the purposes of the Dual Officeholding and Dual employment Laws.
  AG Op. No. 13-0021(A)

- ❑ The AG discusses the general rule that, as long as the two positions at issue are not incompatible, the law does not prohibit the holding of a position of full-time employment while also holding additional part-time employment. In this opinion, however, the AG provides a broad response that will help many public entities that are in a similar position.
  The employee is a full-time employee of a Parish government doing one job, while also holding a part-time job in the same Parish government. The AG states that a problem arises if the employee works the second job during the first job's hours. The employee cannot be paid twice for the same hours worked.

  The Parish may, however, consolidate the two jobs and pay the employee extra for the additional duties required by the second position. This consolidation eliminates the need for the employee to take leave to perform the duties of the second job, or to work the second job only before or after the fulltime job. It also eliminates the

Article VII, Section 14 donation that occurs when an employee is paid twice for the same hours worked. **AG Op. No. 13-0210**

- ❑ The law, in general, does not prohibit one from holding a position of full-time employment while also holding additional part-time employment or an appointive office. Assuming that both positions are full-time, the prohibition of La. R.S. 42:63(E) would apply. **AG Op. No. 12-0090**

- ❑ A member of the board of a nonprofit homeowner's association is not prohibited by the state dual officeholding laws from at the same time holding state employment. **AG Op. No. 12-0105**

- ❑ Although a charter school is considered a public entity, a position on the board of directors of a private non-profit entity that runs the charter school is not considered a public position for the purposes of dual officeholding laws. **AG Op. No. 13-0208**

Independent Contractor Status



- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit a Veterinary Medical Office for the U.S. Department of Agriculture, Animal and Plant Health Inspection Service from simultaneously being employed as a veterinarian for the Louisiana State Racing Commission. However, these provisions are not applicable where an individual enters into a contract for services. **AG Op. No. 25-0100**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a Jefferson Parish Deputy Sheriff from as counselor with the Jefferson Parish Human Services Authority through a professional services contract. The provisions of the law do not apply to contract employment. **AG Op. No. 24-0161**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a contract employee for the Town of Lockport from serving as a part-time Assistant District Attorney for the 17th Judicial District. The provisions of the law do not apply to contract employment. **AG Op. No. 24-0107**

- ❑ The law does not prohibit a full-time employee of the Louisiana Bureau of Emergency Medical Services from serving as a contract employee of the East Baton Rouge Parish Communications District. **AG Op. No. 22-0007**

- ❑ The law does not prohibit a full-time teacher of the Lafayette Parish School System from holding summer employment with the University of Louisiana through a professional services contract. The law does not apply where an individual enters into 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 R.S. 42:62(3). **AG Op. No. 16-0186**. See also, **AG Op. No. 18-0032**, and **AG Op. No. 17-0002**

- ❑ The Provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of the Louisiana Tax Commission from accepting contract work with the Louisiana Department of Transportation and Development or other state agencies. **AG Op. No. 16-0189**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Louisiana House of Representatives from holding a contract with a District Public Defender to provide legal counsel to indigent persons in criminal proceedings. **AG Op. No. 17-0046**

- ❑ The dual officeholding law does not prohibit a member of the State Legislature from entering into a contract with a local governing body for the purposes of providing professional legal services in the area of worker's compensation law. **AG Op. No. 12-0241**

- ❑ The opinion addresses whether an elected city councilman for the City of Crowley may at the same time serve as the Acadia Parish attorney.

  The facts related indicate that the Acadia Parish attorney is hired by the police jury on a contract basis. The opinion notes that the provisions of state law governing dual officeholding and employment do not apply to an individual employed on a contract basis, because he or she does not hold a position of "employment" as defined by the dual officeholding law. "An independent contractor, as opposed to a servant (employee), usually contracts to do a specific amount of work according to his own methods. The employer exerts little control over the action of the independent contractor. Mode of payment is not decisive in determining whether an employee is actually an independent contractor, though payment by the job indicates the existence of an independent contractor/employee relationship." **AG Op. No. 80-0413** & **AG Op. No. 11-0185**

- ❑ The A.G. opined that the prohibitions of the dual officeholding law are inapplicable because one position is held on a contract basis. Accordingly, the dual officeholding provisions would not prohibit a City of Crowley councilman from at the same time serving as the Acadia Parish attorney. **AG Op. No. 12-0069**

- ❑ Employee of the legislature may hold the position of university instructor if the latter position is that of an independent contractor. **AG Op. No. 03-0301**

- A person under contract to deliver mail for the United States is an independent contractor and not a federal employee; thus, the prohibition of law preventing a local elected official from holding employment with the federal government is inapplicable. **AG Op. No. 01-0219**

- An individual who enters into a professional services contract is not considered to hold a job compensated on a salary or per diem basis, and is not employed within the dual officeholding prohibition.

  AG Op. No. 00-0324

Part Time Status



- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Constable of the Justice of the Peace Court for Vermillion Parish, Ward 8, from simultaneously serving as a board member of Vermillion Parish Hospital Service District No. 3 (part-time appointed position). **AG Op. No. 26-0009**

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a board member of the Vermillion Parish Hospital Service District No 2 in Abbeville (part-time appointed position) from running for and/or simultaneously serving as Mayor of Abbeville. **AG Op. No. 26-0005**

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Tax Assessor for Franklin Parish (full-time elected position) from simultaneously serving as the Governor Appointee member of the Parish Board of Election Supervisors (part-time appointed position). **AG Op. No. 25-0137**

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Board of Commissioners of the St. Landry Housing Authority (part-time position) from simultaneously serving as a member of the Board of Commissioners of Hospital District #2 (part-time position). R.S. 42:63(E).

  AG Op. No. 25-0058

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Assistant Chief of Police of the City of Plaquemine from serving as part-time Legal Counsel for Iberville Parish as long as he does not work on matters involving the City of Plaquemine as Legal Counsel. R.S. 42:63(E).

  AG Op. No. 24-0141

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of St. Bernard Parish from serving as a part-time investigator with the St. Bernard Parish Coroner. R.S. 42:63(E) is not applicable because one of the positions is part-time.

  AG Op. No. 24-0061

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the holding of two part time employments. R.S. 42:63(E). Therefore, the law does not prohibit the Deputy Director of the Lake Providence Port Commission from also being employed part time as the Chief of Governmental Affairs of the Northeast Louisiana Railroad Development District.

  AG Op. No. 23-0077

- ❑ A justice of the peace is not a part-time elected office. Therefore, a justice of the peace is prohibited under the Dual Officeholding and Dual Employment Law from also serving as an employee of the U.S. Government.

  AG Op. No. 20-0067

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the fire chiefs of various fire departments within East Feliciana Parish from serving as Commissioners of the Parish-wide Fire Protection District of East Feliciana Parish. Being a commissioner of this Parish-wide District is a part time appointive office. Therefore, R.S. 42:63(E) does not apply.

  AG Op. No. 19-0021

- ❑ The law does not prohibit a full time Deputy Sheriff of Lafourche Parish from holding a part-time appointed office or part-time employment with another law enforcement agency. **AG Op. No. 17-0110**

- ❑ The law does not prohibit a full time firefighter with the City of New Orleans Fire Department from holding part-time employment with the City of New Orleans Department of Emergency Medical Services. **AG Op. No. 17-0127**

- ❑ The law does not prohibit a Commissioner of the St. Bernard Parish Planning Commission from holding part time employment with the St. Bernard Parish Department of Recreation, Culture and Tourism. **AG Op. No. 16-0038**

- ❑ The law prohibits a federal police officer for Overton Brooks Medical Center from holding a part time position of police officer for the Greenwood Police Department. The provisions of the law do not prohibit a police officer for the Vivian Police Department or a university police officer for LSU Health Sciences Center at Shreveport. **AG Op. No. 16-0031**

- ❑ That a full-time employee for a Judicial District Court is not prohibited by the Dual Officeholding and Dual Employment provisions from serving as a part time court reporter for the City Court. **AG Op. No. 15-0178**

- ❑ The law prohibits the simultaneous holding of local elective office (here, the position of councilman), and another appointive office held on a full time basis. The position of traffic officer, created under the authority of LSA-R.S. 13:2562.21 and the language therein, constitutes an appointive office. The prohibition of LSA-

R.S. 42:63, however, applies only in the instance in which an appointive position is held on a full-time basis. As the traffic officer position is not full-time, it is permissible for both positions to be held simultaneously.

AG Op. No. 97-0101

- ❑ Detention center correctional officers who are paid by the sheriff's department may also work part-time as deputy sheriffs if they meet the requirements set out in [law]. In this situation, as long as at least one of the positions is part-time, there is no dual officeholding.

AG Op. No. 02-0218

- ❑ The prohibition contained in the dual officeholding laws prevents the concurrent holding of two full-time appointive offices and/or employments, but does not prohibit the holding of those positions should one be held on a part-time basis. Thus, a full-time municipal police officer may hold the part-time appointive office of deputy sheriff. **AG Op. No. 06-0166**

Elected Positions and Employment with the State or Political Subdivision

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit an elected Constable for St. Mary Parish, Ward 8 from serving as a full-time appointed Chief of Police for the Town of Berwick. R.S. 42:63(D) prohibits the simultaneous holding of an elected office in a political subdivision and a full-time appointive office in the same or a separate political subdivision. **AG Op. No. 25-0149**

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- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit the Vice President of Claiborn Parish Police Jury from simultaneously being employed as a detective for the Claiborne Parish Sheriff's Office. R.S. 42:63(D) specifically prohibits any "member of any parish governing authority" from holding "any office or employment with any sheriff." **AG Op. No. 25-0146**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit the Justice of the Peace in Ward 7 (elected office) from simultaneously serving on the Washington Parish School Board (elected office). R.S. 42:63(D) prohibits an individual from holding two elected offices in political subdivisions of the State at the same time. **AG Op. No. 25-0145**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit the appointed Chief Strategy Officer for the Ernest N. Morial-New Orleans Exhibition Hall Authority (a full-time appointive office with a political subdivision of the State) from simultaneously serving as District 04 State Representative (a State elected position). R.S. 42:63(C).

AG Op. No. 25-0115

- ❑ The Election Code and the provisions of the Dual Officeholding and Dual Employment Law do not prohibit an employee of the Plaquemines Parish Registrar of Voters from running for constable of Plaquemines Parish. However, an employee of a registrar of voters must relinquish her position before taking office as constable. **AG Op. No. 25-0085**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit a constable for Jefferson Davis Parish, Ward 3 (elective office) from serving as a full-time Civil Service firefighter for Cameron Parish Fire District 10, pursuant to applicable civil service law.

  AG Op. No. 25-0068

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit the Justice of the Peace for Livingston Parish, Ward 10 (elective office) from serving as the full-time Town Clerk for the Town of Killian. R.S. 42:63(D) does prohibit an elective office in a political subdivision and a full-time appointed office in a separate political subdivision.

  AG Op. No. 25-0015

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the City of Jeanerette Board of Alderman (elective office) from serving as a full-time employee of the Iberia Parish Sheriff. R.S. 42:63(D) does not prohibit an elective office in a political subdivision and full-time employment in a separate political subdivision.

  AG Op. No. 24-0173

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a Constable of the Justice of the Peace Court for Tangipahoa Parish, Ward 8 (elective office) from serving as a part-time Deputy Sheriff for Orleans Parish. R.S. 42:63(D).

  AG Op. No. 24-0145

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibits a full-time Deputy Sheriff from serving as the Constable of the Justice of the Peace Court for Tangipahoa Parish, Ward 6. R.S. 42:63(D).

  AG Op. No. 24-0048

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of St. Tammany Parish from serving as a member of the Slidell City Council. R.S. 42:63(D).

  AG Op. No. 24-0039

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee with the Lafayette Parish Sheriff's office from serving as a member of the Lafayette City Council. R.S. 42:63(D).

  AG Op. No. 24-0007

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the St. Landry Parish Council from holding full-time employment in the unclassified service of the Opelousas Police Department. R.S. 42:63(D).

  AG Op. No. 23-0119

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Washington Parish Library Board of Control, who also serves as a member of the Washington Parish Fire Protection District No. 7, from serving as a State Representative.

  AG Op. No. 23-0117

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of the St. Landry Parish Solid Waste Disposal District from serving as a member of the St. Landry Parish Council.

  AG Op. No. 23-0104

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Bogalusa City Attorney from serving as a State Representative. R.S. 42:63(C).

  AG Op. No. 23-0087

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit the Director of the St. Helena Parish Office of Homeland Security and Emergency Preparedness from serving as the State Representative for District 72. R.S42:63(D).

  AG Op. No. 23-0086

- ❑ R.S. 42:63(C) prohibits the simultaneous holding of an elected office in state government and a full-time appointive office in the government of the state or in the government of a political subdivision. Therefore, the provisions of the Dual Officeholding and Dual Employment Law prohibit the Executive Director of the Capital Area Groundwater Commission from holding an elective office in the government of the State.

  AG Op. No. 23-0071

- ❑ The law prohibits a member of the St. Helena School Board from serving as a Deputy Assistant Superintendent for the Louisiana Department of Education. R.S. 42:63(D).

  AG Op. No. 22-0039

- ❑ R.S. 42:63(C) prohibits the simultaneous holding of an elected office in state government and a full-time appointive office in the government of the state or in the government of a political subdivision. Therefore, the law does prohibit a full time executive director of the Jefferson Davis Parish Tourist Commission from

holding the office of State Representative. The law does not prohibit the part-time executive director of the Jefferson Davis Parish Tourist Commission from holding the office of State Representative. **AG Op. No. 18-0029**

- ❑ The law does prohibit a full time Deputy Tax Assessor of Iberville Parish from serving as a member of the Board of Aldermen of the Village of Grosse Tete. R.S. 42:63(D) prohibits holding of an elected office in a political subdivision of the state and a full time appointive office in the government of a political subdivision. **AG Op. No. 16-0202**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit an employee of the City's Department of Public Works from serving as a member of the city council. **AG Op. No. 16-0181**

- ❑ "You ask this office to advise whether you may be employed by the Town as a paid firefighter while at the same time serving in the elected office of mayor for the town.

  The provisions of the Louisiana Dual Officeholding and Dual Employment Law, La. R.S. 42:61, *et seq.*, govern our response to your question. Therein, La. R.S. 42:63(D) sets forth the following prohibition:

  No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person 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* .... [Emphasis added.]

  Accordingly, if you are elected as mayor for the Town of Plain Dealing, you are prohibited from serving in that capacity while at the same time holding a position of employment with the town as a paid firefighter." **AG Op. No. 12-0070**

- ❑ "You have asked this office to advise if an individual may hold the elective office of alderman for the Town of Independence, and at the same time hold full-time employment with the City of Amite, while also serving as a part-time deputy sheriff for the Tangipahoa Parish Sheriff's Department.

  The provisions of the Louisiana Dual Officeholding and Dual Employment Law, La. R.S. 42:61, *et seq.*, govern our response to your question. In a dual officeholding analysis, the positions proposed to be held must first be categorized under the dual officeholding definitions provided in La. R.S. 42:62.

The position of alderman for the Town of Independence constitutes *elective office* as defined by La. R.S. 42:62(1), while the position with the City of Amite *constitutes full-time employment* as defined by La. R.S. 42:62(4) and La. R.S. 42:62(3).

While La. R.S. 42:63(D) precludes one from holding employment in the same political subdivision in which he holds elective office, the law does not prohibit one from holding elective office and employment in *separate political subdivisions*. Such is the case here, as the elective office and the position of employment are held in separate municipalities.

Further, for purposes of dual officeholding, the position of deputy sheriff is considered an *appointive office* under La. R.S. 42:62(2) because it is an "office in any branch of government ... which is specifically established or specifically authorized by the ... laws of this state ... and which is filled by appointment ... by an elected ... public official." The position of deputy sheriff is specifically authorized by La. R.S. 33:1433, which provides "the sheriff of each parish ... may appoint as many deputies as necessary" and further provides that a deputy's "appointment and oath must be entered on the records of the court." The sheriff is the appointing authority and is an elected public official pursuant to constitutional provision.

While La. R.S. 42:63(D) prohibits one from holding elective office and at the same time holding full-time appointive office, the law does not prohibit the holding if the appointive office is held on a part-time basis, as is the case here."

AG Op. No. 12-0077

Appointed and Elected Positions

NEW 2026

- The provisions of the Dual Officeholding and Dual Employment Law prohibit the Justice of the Peace for Livingston Parish, Ward 10 (elective office) from serving as the full-time Town Clerk for the Town of Killian. R.S. 42:63(D) does prohibit an elective office in a political subdivision and a full-time appointed office in a separate political subdivision.

  AG Op. No. 25-0015

- The law does prohibit the full-time clerk for the Town of Oil City from serving as a member of the Caddo Parish School Board. **AG Op. No. 22-0035**

- The law does not prohibit the Deputy Director of the Lake Providence Port Commission from also serving as a member of the Board of Commissioners for the Fifth Louisiana Levee District. **AG Op. No. 21-0121**

- ❑ The law does not prohibit a full-time employee of the City of Minden from serving as a member of the Webster Parish Police Jury or a as a member of the Webster Parish School Board. **AG Op. No. 21-0074**

- ❑ The law does not prohibit the full-time director of the DeSoto Parish Ambulance Service District from serving as a member of the Board of Commissioners of the DeSoto Parish Fire Protection District No. 2. **AG Op. No. 21-0029**

- ❑ The law does not prohibit a member of the Board of Directors of the Ambulance Service District No. 1 of Lafourche Parish from serving as a member of the Board of Commissioners of the Fire Protection District No. 3 of Lafourche Parish and as a member of the Lafourche Parish Hospital Services District No. 1. **AG Op. No. 21-0013**

- ❑ The law does not prohibit the simultaneous holding of an elected office in a political subdivision and a part-time appointive office in a separate political subdivision. Further, the law does not prohibit the simultaneous holding of two part-time appointive offices. Therefore, a member of the Board of Commissioners of the Vermilion Parish Hospital Service District No. 2 (a part-time appointed position) who is also serving as member of the Vermilion Parish Library Board of Control (a part-time appointed position) may also simultaneously serve as an elected member of the Vermilion Parish School Board. **AG Op. No. 19-0096**

- ❑ A Constable of a Justice of the Peace Court may also serve as a part-time Reserve/Auxiliary Deputy Sheriff. **AG Op. No. 17-0090**

- ❑ A school board member may hold fulltime employment with the city/parish government, but may not hold a full-time appointive office within the city/parish government. **AG Op. No. 17-0031**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Police Jury of a parish from holding fulltime employment with a municipality in the parish. **AG Op. No. 16-0179**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibits an elected official such as the Mayor from holding another elective office for the municipality or political subdivision. **AG Op. No. 16-0035**

- ❑ A full-time deputy assessor may not simultaneously hold elective office as a municipal councilmember, according to R.S. 42:63(C). **AG Op. No. 14-0179**

- ❑ "You have requested an opinion of the Attorney General as to whether you, an elected member of the Mandeville City Council, can also serve on the Board of Directors for the Council on Aging St. Tammany ("COAST").

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 provisions.

It is clear that your position on the Mandeville City Council is an elective office. As to the COAST position, based on the information provided, it is a voluntary part time position, which is appointed by the current members of the COAST Board of Directors.

Additionally, COAST was created based on state statutory authorization, La. R.S. 46:1601 *et seq*., making it an appointive office. The most applicable aspect 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 at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person 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….**

Since your position on COAST is a part time appointive position, holding that position in addition to your position on the Mandeville City Council is not prohibited by the Dual Officeholding Laws. Please note that our expressed opinion relative to state law is limited to an examination of the dual officeholding provisions. **AG Op. No. 14-0002**

❑ Individual is prohibited from holding both full time appointed office as parish finance director and the local elected office of parish school board member.

"You asked this office to advise whether the Finance Director of Iberville Parish may also hold an elected office as member of the Iberville Parish School Board.

R.S. 42:63(D) governs our response and provides:

D. No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person 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. In addition no sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority or school board, nor shall any member of any parish

governing authority or school board hold any office or employment with any sheriff, assessor, or clerk of court. (Emphasis added).

The Finance Director holds "appointive office" as defined by R.S. 42:62(2) because the position is one that is "specifically established...by the charter...of any political subdivision...which is filled by appointment...by an elected or appointed public official or by a governmental body composed of such officials..."

AG Op. No. 06-0218
AG Op. No. 08-0088

- ❑ State law prohibits one from holding local elective office and full-time appointive office. Thus, elected parish president may not also hold city full-time appointed position of utilities director.

"In 1991 this office released Attorney General Opinion 91-458 to Mr. William Cefalu in which the author concluded that an employee of the utilities department could hold employment with the city while holding an elective office of the parish council. As noted above, the facts herein contemplate that Mr. Cefalu would become an appointed officer of the utilities department versus his original status as employee of the utilities department. The opinion is distinguishable in that R.S. 42:63(D) does not prohibit one from holding employment and local elective office in separate political subdivisions [(i.e., the parish and the municipality, see R.S. 42:62(9)]; however, R.S. 42:63(D) does prohibit one from holding full-time appointive office and local elective office." **AG Op. No. 05-0327**
AG Op. No. 07-0110

Separate Political Subdivisions

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit the Justice of the Peace for Livingston Parish, Ward 10 (elective office) from serving as the full-time Town Clerk for the Town of Killian. R.S. 42:63(D) does prohibit an elective office in a political subdivision and a full-time appointed office in a separate political subdivision.

AG Op. No. 25-0015

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Bossier Parish Police Jury (elective position) from serving as a member of the City Charter Review Commission (part-time appointed office) and as a member of the Bossier Parish Library Board of Control (part-time appointed office). Bossier Parish and Bossier City are separate political subdivisions. Therefore, R.S. 42:63(D) does not apply. Further, 42:64(A)(1) does not apply as an "incompatible office" because the Library Board of Control was created by the Bossier Parish Police Jury and it "exercises general powers over the Board of Control pursuant to Article VI, §15 of the Constitution of Louisiana."

AG Op. No. 24-0110

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Lockport Town Council (elective position) from serving as a full-time employee of the Schriever Fire Protection District. R.S. 42:63(D) does not apply because the elective office and the employment are in separate political subdivisions.

  AG Op. No. 24-0104

- ❑ The provisions of the Dual Officeholding and Dual Employment Law prohibit a full-time Sabine Parish Sheriff from serving as a full-time police officer for the Village of Florien. R.S. 42:63(E).

  AG Op. No. 24-0080

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the St. Mary Parish Council from serving as a full-time physician with the St. Mary Parish Hospital Service District No. 1. R.S. 42:63(D) does not apply because the elective office and the employment are in separate political subdivisions.

  AG Op. No. 24-0062

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of the Livingston Parish from serving as a member of the Denham Springs City Counsel (an elected position). The Parish and the City are two separate political subdivisions. R.S. 42:63(D) does not prohibit a person from holding an elected office in one political subdivision and a full-time employment in a separate political subdivision.

  AG Op. No. 24-0055

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of the Brusly Police Department from serving as a Constable of the Justice of the Peace Court for Livingston Parish, Ward 11. The Town and the Constable (an elected position) of the Justice of the Peace Court are two separate political subdivisions. R.S. 42:63(D) does not prohibit a person from holding an elected office in one political subdivision and a full-time employment in a separate political subdivision.

  AG Op. No. 24-0053

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the DeSoto Police Jury from serving as the Village of Stanley's appointee to the Board of Commissioners of the DeSoto Parish Fire District No. 5. The Parish and the District are two separate political subdivisions. R.S. 42:63(D) does not prohibit a person from holding an elected office in one political subdivision and a part-time appointed office in a separate political subdivision.

  AG Op. No. 24-0052

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of Evangeline Parish from serving as a member of Board of Alderman of the City of Ville Platte and as the part-time Executive Director of the Ville Platte Housing Authority. R.S. 42:63(D). The provisions of the Dual Officeholding and Dual Employment Law prohibit a full-time employee of Evangeline Parish from serving as the full-time Executive Director of the Ville Platte Housing Authority. R.S. 42:63(E).

  AG Op. No. 24-0051

- ❑ R.S. 42:63(D) prohibits the simultaneous holding a full-time appointive office in a political subdivision and an elected office in a separate political subdivision. Therefore, the provisions of the Dual Officeholding and Dual Employment Law prohibit a full-time Deputy Sheriff for St. Bernard Parish (an appointed position) from serving as the constable of the justice of the peace court for St. Bernard Parish, Ward 1 (an elected position).

  AG Op. No. 23-0069

- ❑ A full-time employee of the parish consolidated government is not prohibited from serving as an elected member of a municipal board of aldermen as the municipality and the parish government are separate political subdivisions.

  AG Op. No. 22-0060

- ❑ The Mayor of a municipality is not prohibited from serving as a bus driver for the parish school board. **AG Op. No. 22-0066**

- ❑ A full-time employee of the District Attorney's office is not prohibited from serving as an elected member of the parish school board. **AG Op. No. 22-0077**

- ❑ A full-time assistant public defender is not prohibited from serving as an elected member of the parish council. **AG Op. No. 22-0079**

- ❑ A full-time assistant public defender is not prohibited from serving as the part-time appointed special counsel for the parish council. **AG Op. No. 23-0047**

- ❑ Although the dual office holding and dual employment law does not prohibit a justice of the peace from serving as a part-time employee of the registrar of voters, the provision of R.S. 18:63 prohibits the employees of the registrar of voters from holding any elective or appointive public office. **AG Op. No. 23-0055**

- ❑ The law does not prohibit the Chief Administrative Office for the City of Morgan City from serving as a member of the Board of Commissioners of the St. Mary Parish Consolidated Gravity Drainage District No. 2. **AG Op. No. 22-0022**

- ❑ The law does not prohibit a member of the Board of Commissioners of the Red River Waterway District from serving as the Shreveport City Attorney.

  AG Op. NO. 22-0016

- ❑ The law does not prohibit a member of the Lafourche Parish Council from serving as a full-time employee of the Terrebonne Parish Consolidated Government.
  AG Op. No. 21-0134

- ❑ The law does not prohibit the mayor of the Village of Folsom from holding full-time employment with the City of Covington. **AG Op. No. 21-0116**

- ❑ An elected constable is not prohibited under the Dual Officeholding and Dual Employment Law from serving as a full-time employee of a parish tourist commission as they are separate political subdivisions.
  AG Op. No. 21-0039

- ❑ The City of Minden, the Sparta Groundwater Conservation District and the Webster Parish Police Jury are separate political subdivisions. Therefore, the Dual Officeholding and Employment Law does not prohibit a full-time employee of the City of Minden, who is a member of the Board of Commissioners of the Sparta Groundwater Commission, from serving as an elected member of the Webster Parish Police Jury.
  AG Op. No. 19-0098

- ❑ An elected member of the School Board may also serve as a commissioner of an area human services district (Part-time appointed position) and as a member of the board of commissioners of a fire protection district (Part-time appointed position) without violating the Dual Officeholding and Dual Employment Law.
  AG Op. No. 19-0044

- ❑ The law does not prohibit a member of the Caddo Parish School Board from serving as a member of the Shreveport/Caddo Metropolitan Zoning Board of Appeals. R.S. 42:63(D) does not prohibit the simultaneous holding of an elected office in a political subdivision and a part-time appointed office in a separate political subdivision. **AG Op. No. 18-0033**

- ❑ The law does not prohibit a full time employee of the Vermillion Parish Department of Public Works from serving as a councilman for the City of Abbeville. R.S. 42:63(D) is not applicable because the position of employment is not in the same political subdivision as the elected office. **AG Op. No. 17-0071**

- ❑ Lafayette City-Parish Councilman may also be employed by the District Attorney for the Fifteenth Judicial District in his Vermilion Parish office.

  "… for purposes of the dual officeholding law, the parish and the district attorney's office are separate political subdivisions. R.S. 42:62(9) states:

  (9) '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. (Emphasis added).

R.S. 42:63 does not prohibit one from holding the local elective office of police juror and employment in a separate political subdivision such as the district attorney's office.

You advise that your employment with the parish would be entirely funded by the Vermilion Parish Police Jury. Thus, the incompatibility concerns raised by R.S. 42:64 [and discussed in Opinions 07-0311, 07-0311 (A) and 07-0311 (B) issued to you] become inapplicable." **AG Op. No. 07-0311C**

- ❑ School board member for Terrebonne Parish may continue in employment with the Terrebonne Parish Government.

"Since your position with the Terrebonne Parish Consolidated Government is defined as employment, the prohibition under LSA-R.S. 42:63D would apply only if both offices are within the same 'political subdivision.' A 'political subdivision' is defined in LSA-R.S. 42:62(9) and states:

'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." (Emphasis added).

Under this definition a school board would be a separate political subdivision from the parish. The prohibition concerning the simultaneous holding of both offices within the same political subdivision is therefore inapplicable."

AG Op. No. 96-0220

Professional Educational Capacity

- ❑ The law does not prohibit a member of the Police Jury of Concordia Parish from serving as the Superintendent of the Concordia Parish School System. A parish superintendent is employed in a professional educational capacity and is exempt pursuant to R.S. 42:63(D). **AG Op. No. 17-0093**

- ❑ An elected mayor of a municipality who holds employment as an instructor at a state-sponsored technical college is employed in a professional educational capacity and is exempt from the prohibitions of law which generally prohibit one from holding local elected office and employment in the government of the state.

"While LSA-R.S. 42:63(D) initially prohibits you from holding both positions,

there is an exemption in the law which permits a "person employed in a professional educational capacity" to hold "an elective or appointive office."

R.S. 42:66(B) states:

B. Nothing in this Part shall be construed to prevent a school teacher or person employed in a professional educational capacity in a grade school, high school, other educational institution, parish or city school board from holding at the same time an elective or appointive office.

Because you will be employed as an instructor at the technical college, you are considered to be employed in a "professional educational capacity"; as such, the exemption is directly applicable to you. The law does not prohibit you from accepting this employment and continuing to serve as the elected mayor of the Village of Baskin." **AG Op. No. 08-0142**

- ❑ The law permits the Dean of Career and Professional Programs at Elaine P. Nunez Community College to hold the elective office of member of the St. Bernard Parish School Board.

  "The law allows you to continue in your state employment as the full-time Dean of the Career and Professional Programs at Elaine P. Nunez Community College while serving as member of the St. Bernard Parish School Board, a part-time local elective office. LSA-R.S. 42:66(B) permits the concurrent holding of these positions, and states:
  B. Nothing in this Part shall be construed to prevent a school teacher or person employed in a professional educational capacity in a grade school, high school, other educational institution, parish or city school board from holding at the same time an elective or appointive office." **AG Op. No. 95-0011**

- ❑ The law permits an individual to hold state employment as a faculty member of Nicholls State University and the local elective office of member of the Assumption Parish School Board.

  AG Op. No. 95-0008
  AG Op. No. 11-0160

- ❑ A full-time employee of a university, whose job duties includes teaching of a course, may serve as an elected member of the city council under the exception provided by R.S. 42:66(B). **AG Op. No. 22-0059**

Planning Commission

NEW 2026

- ❑ R.S. 33:103 expressly prohibits the St. Charles Parish Planning Commission board member from simultaneously being appointed to the St. Charles Parish Housing Authority. **AG Op. No. 25-0084**

- The provisions of the Dual Officeholding and Dual Employment Law prohibit a US Department of Labor Administrative Judge from serving as member of the Mandeville Planning & Zoning Commissions. R.S. 42:63(A)(1) prohibits holding any office in the government of the United States and any office in a political subdivision.

  AG Op. No. 24-0167

- A member of the Covington Zoning and Planning Commission may also hold employment with the Covington Recreation Department.

  "However, R.S. 33:103(C)(1) pertaining to parish and municipal planning commissions is of potential concern and states:

  C. (1) ***All members of a commission***, whether a parish or a municipal planning commission, shall serve without compensation, except as otherwise provided by this paragraph or as otherwise provided by law, and ***shall hold no other public office***, except they may also serve as members of any duly constituted regional commission of which their parish or municipality forms a part. (Emphasis added).
  "Public office" is defined by R.S. 42:1 as: any state, district, parish or municipal office, elective or appointive, or any position as member on a board or commission, elective or appointive, when the office or position is established by the constitution or laws of this state.

  "Public officer" is any person holding a public office in this state.
  Because the position with the municipality is an employment and not a public office, R.S. 33:103 would not preclude one from holding both positions. In accord are Attorney General Opinions 05-248 and 91-549".

  AG Op. No. 07-0302

Federal Employment



- The provisions of the Dual Officeholding and Dual Employment Law prohibit a Veterinary Medical Office for the U.S. Department of Agriculture, Animal and Plant Health Inspection Service from simultaneously being employed as a veterinarian for the Louisiana State Racing Commission. However, these provisions are not applicable where an individual enters into a contract for services.

  AG Op. No. 25-0100

- The law does not prohibit an employee of the Transportation Security Administration from serving as a member of the City of Shreveport Council. However, the Hatch Act may prohibit it. **AG Op. No. 21-0148**

- A justice of the peace is not a part-time elected office. Therefore, a justice of the peace is prohibited under the Dual Officeholding and Dual Employment Law from also serving as an employee of the U.S. Government.

AG Op. No. 20-0067

- ❑ An alderman may hold employment in the office of a U.S. Congressman.
  AG Op. No. 16-0210

- ❑ Elected constable may not also hold federal employment, absent the applicability of exemptions provided by law.

  "The provisions of the Louisiana Dual Officeholding and Dual Employment Laws, R.S. 42:61, et seq., govern our response to your question. R.S. 42:63(A)(1) is dispositive of the issue, and states:

  A. (1) 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 of 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. (Emphasis added).

  R.S. 42:63(A)(1) prohibits one from holding local elective office and employment with the federal government. Further, the exemptions from this rule provided in R.S. 42:66 are inapplicable to this matter. Therefore, we advise that state law prohibits you from holding federal employment should you be elected constable."
  AG Op. No. 08-0238.

Status in General

- ❑ State law permits the method of delivery of public defender services for each judicial district to include appointment, contract, and employment as alternative methods for providing counsel to indigent defendants. Thus, whether an assistant public defender is prohibited from holding local elective office under the dual officeholding provisions is dependent upon the method used to select assistant public defenders within each judicial district.

  "The answer to your question is fact-sensitive. A Thibodaux city councilman is not prohibited by the dual officeholding provisions from holding full-time or part-time employment as an assistant public defender; neither is he prohibited by the dual officeholding provisions from working as an assistant public defender under a professional services contract. He is not prohibited by the dual officeholding provisions from holding part-time appointive office as an assistant public defender. The only scenario in which the dual officeholding provisions are violated is if a Thibodaux city councilman holds full-time appointive office as an assistant public defender."
  AG Op. No. 08-0206.

- "Plaintiff also has raised the issue of whether Louisiana's law against dual officeholding has been violated. Under the pertinent provisions of LRS 14:63(C), no person holding an elective office in the government of this state shall at the same time hold another elective office, a full-time appointive office, or employment in the government of this state or in the government of a political subdivision thereof. Thus, Judge Kostelka could not simultaneously hold the office of district judge and hold the office of appellate judge. However, plaintiff stated during argument in the district court that plaintiff did not contend Judge Kostelka was holding office on the 2nd Circuit Court of Appeal; we agree. Thus, unless and until such time as Judge Kostelka is to be sworn in as a judge on the 2nd Circuit Court of Appeal, the possibility of a violation of Louisiana's prohibition against dual officeholding will not arise. We further observe that a very analogous situation arises every time a judge currently serving on one court runs for and is elected to another court. No dual officeholding occurs as long as the first judgeship is resigned prior to the judge's taking office for the second judgeship." *Braddock v. Kostelka* 568 So.2d. 248, 252 (La.App. 2 Cir.,1990)

Alderman

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the City of Jeanerette Board of Alderman (elective office) from serving as a full-time employee of the Iberia Parish Sheriff. R.S. 42:63(D) does not prohibit an elective office in a political subdivision and full-time employment in a separate political subdivision.

  AG Op. No. 24-0173

- The Dual Officeholding and Dual Employment Law does not prohibit an elected alderman of a village from serving as an uncompensated reserve police officer for the village's police department. The uncompensated position of a reserve police officer is not considered "employment" for the purposes of the Dual Officeholding and Dual Employment Law. **AG Op. No. 21-0070**

- The provisions of the Dual Officeholding and Dual Employment Law prohibit a member of the board of alderman for a municipality from serving as the municipality's appointee to the board of commissioners of a waterworks district, but do not prohibit the chief of police or the town clerk from serving as the municipality's appointees to the board of commissioners. **AG Op. No. 16-0209**

- The Clerk of the Village of Wilson may not simultaneously hold the position of alderman of that village.

  "The dual officeholding laws, LA R.S. 42:61, *et seq.*, apply in general to a person holding two positions at the same time. Nevertheless, the statutes pertaining to the

selection of municipal officers, found at LA R.S. 33:381, *et seq.*, are more on point to your inquiry. More specifically, LA R.S. 33:385(C) states in pertinent part:

No member of the board of alderman shall hold any other office or employment under the municipal government while he [or she] is a member of the board, except as is provided for in R.S. 33:381 and R.S. 33:386.

LA R.S. 33:381 had at one time explicitly permitted an alderman to also serve as the town clerk. However, LA R.S. 33:381 has been amended numerous times, and through the amendment process, this exception has been deleted. A reading of the statute at present will confirm that the exception is provided for no longer. Similarly, no such exception is authorized by LA R.S. 33:386.

Therefore, it is the opinion of this office that the Clerk of the Village of Wilson may not simultaneously hold the position of alderman of that village. Doing so would constitute a violation of LA R.S. 33:385(C)." **AG Op. No. 01-0142**

- ❑ A person is legally permitted to hold the office of city alderman and be simultaneously employed as an investigator in the Jefferson Parish District Attorney's Office.

"The former position constitutes local elective office, while the latter position is one of employment within the parish, which is a separate political subdivision from the municipality. Such combination of positions is impermissible only where both positions fall within the same political subdivision as LSA-R.S. 42:63(D) provides:

D. No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person 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. (Emphasis added)." **AG Op. No. 97-0147**

Assistant District Attorney

NEW 2026

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an Assistant District Attorney for the Parish of Orleans from providing legal services to the Clerk of Orleans Parish Criminal District Court through a professional services contract. However, the nature of such arrangement presents an inherent conflict of interest, unless a clear and effective separation can be established between the two roles and/or any overlapping or interrelated matters. **AG Op. No. 24-0111**

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an elected mayor of a municipality from simultaneously holding a part-time appointed position as an assistant district attorney. **AG Op. No. 21-0019**

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of the District Attorney's Office from being appointed as a part time deputy clerk. **AG Op. No. 13-0041**

An elected school board member may simultaneously hold a part time appointive office with the district attorney's office. **AG Op. No. 13-0032**

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a part time assistant district attorney from working as the city attorney through his private practice. **AG Op. No. 13-0028**

Chief of Police



- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Chief of Police for the Town of Cullen from simultaneously service as a police officer in the City of Springhill and resource office for Brown Upper School. **AG Op. No. 25-0138**

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Chief of Police on the Village of Florien from serving as a full-time Sabine Parish Sheriff Deputy. R.S. 42:66(M) contains a specific exemption for a chief of police of a municipality with a population of less than 5,000 according to the 1990 federal decennial census from holding the office of deputy sheriff. This exemption is applicable to the Village of Florien (population 626 in 1990 census). AG Op. No. 24-0136 is recalled. **AG Op. No. 24-0136**

- The part time Chief of Police on the Village of Wilson may serve as the part time Chief of Police of the Village of Norwood. **AG Op. No. 19-0103**

- An elected chief of police for a Lawrason Act municipality may hold part-time appointive office as chief of police of another Lawrason Act municipality. **AG Op. No. 19-0075**

- An elected chief of police for a Lawrason Act municipality may hold full-time employment with the Sheriff's Office. **AG Op. No. 19-0063**

- The law does prohibit the Marshal of the City Court of Jeanerette from serving as the full time Chief of Police of the City of Jeanerette. The Law does not prohibit the Marshal of the City Court of Jeanerette from serving as the part-time Chief of Police for the City of Jeanerette. **AG Op. No. 17-0116**

- ❑ The law does not prohibit a full time appointed Chief of Police of the Town of Greensburg from holding part-time employment at the Lallie Kemp Regional Medical Center. **AG Op. No. 17-0163**

- ❑ A Lawrason Act chief of police may engage in part time private employment during his off-duty hours. **AG Op. No. 13-0016**

Exceptions in R.S. 42:66



- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an assistant professor at Southern University A&M College from simultaneously serving as Director of Capital Area Human Services District, pursuant to the exemption of R.S. 42:66(B). **AG Op. No. 25-0129**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an associate professor at LSU-Alexandria from simultaneously serving as a school board member in Allen Parish, pursuant to the exemption of R.S. 42:66(B). **AG Op. No. 25-0112**

- ❑ The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Chief of Police on the Village of Florien from serving as a full-time Sabine Parish Sheriff Deputy. R.S. 42:66(M) contains a specific exemption for a chief of police of a municipality with a population of less than 5,000 according to the 1990 federal decennial census from holding the office of deputy sheriff. This exemption is applicable to the Village of Florien (population 626 in 1990 census). AG Op. No. 24-0136 is recalled. **AG Op. No. 24-0136**

- ❑ Teacher are exempt from the provisions of the law. R.S. 42:66(B). Therefore, the law does not prohibit a teacher employed by the Louisiana National Guard Youth Challenge Program from serving as a member of the Rapides Parish School Board. **AG Op. No. 22-0030**

- ❑ An elected state representative is not prohibited from serving as a part-time appointed member of a parish's mental health and addictive disorders advisory board pursuant to R.S. 42:66(A)(5). **AG Op. No. 21-0027**

- ❑ An Evangeline Parish Sheriff employee, who is a certified public accountant and provides financial accounting services to the Sheriff, may also serve as a member of the Evangeline Parish School Board as the Parish has a population of less than 50,000 according to the latest federal decennial census. R.S. 42:66(D). **AG Op. No. 19-0123**

- An alderman of a municipality with a population of 6,500 or less according to the 1990 federal decennial census, may hold a full-time position of employment with a State university, under R.S. 42:66(N). **AG Op. No. 15-0060**

- A chief of police of a municipality with a population of less than five thousand according to the 1990 decennial census may also hold the office of deputy sheriff in accordance with R.S. 42:66(M). **AG Op. No. 14-0196**

- An elected alderman of the City of Bunkie is not prohibited by the dual officeholding and dual employment law from simultaneously holding a full-time position in the government of this state, pursuant to the exception of La. R.S. 42:66(N) that applies to a municipality with a population of 6,500 or less according to the 1990 federal decennial census. **AG Op. No. 12-0237**

- R.S. 42:66(L)(1) sets forth an exemption to La. R.S. 42:63(D) which permits a full-time deputy sheriff to hold the elective office of alderman in a municipality which has a population of 2,500 or less. Therefore, the dual officeholding law does not prohibit a deputy sheriff working full-time for the East Feliciana Parish Sheriff's Office from simultaneously holding the elective office of alderman for the Town of Clinton, a municipality with a population of 2,500 or less. **AG Op. No. 12-0175**
  R.S. 42:66(L)(1)

- A deputy sheriff may at the same time hold the office of part-time constable of a justice of the peace court whose jurisdiction has a population of fifteen thousand or fewer persons according to the 1990 federal decennial census.
  AG Op. No. 08-0131
  R.S. 42:66(L)(2)(a).

- A deputy sheriff may at the same time hold the office of part-time constable of a justice of a peace court whose jurisdiction has a population of fifteen thousand or fewer persons according to the 1990 federal decennial census.

  "A constable holds local elective office. R.S. 42:63(D) generally prohibits a person holding an elective office in a political subdivision of the state from holding at the same time a full-time appointive office. Because you work as a full-time deputy sheriff, R.S. 42:63(D) would initially prevent you from holding at the same time any elective office.

  However, the law provides an exemption from the prohibition of R.S. 42:63(D) which is applicable in your case. R.S. 42:66(L)(2)(a) states:

  (2)(a) Nothing in this Part shall be construed to prohibit a deputy sheriff from holding the office of part-time constable of a justice of the peace court whose jurisdiction has a population of fifteen thousand or fewer persons according to the 1990 federal decennial census, or from holding the office of part-time constable or

part-time marshal of a city court in a municipality with a population of ten thousand or fewer persons according to the 1990 federal decennial census, provided such person held both the office of deputy sheriff and the office of constable or marshal prior to January 1, 1997.
If you are in fact elected to the office of a part-time constable of a justice of the peace court whose jurisdiction has a population of fifteen thousand of fewer persons according to the 1990 federal decennial census, you would be allowed to continue to serve as a full-time deputy sheriff." **AG Op. No. 08-0182**

- ❑ The dual officeholding provisions do not prevent a deputy sheriff from holding the elected office of mayor of a municipality which has a population of two thousand five hundred or less according to the latest federal decennial census.

  "You have asked this office to advise if you may maintain your position as deputy sheriff in Tensas Parish should you be elected Mayor of the municipality of Newellton.

  The population of Newellton is less than two thousand five hundred, according to the latest federal decennial census. For this reason, the exemption contained in R.S. 42:66(L)(1) is applicable to your circumstances and states:

  L. (1) Nothing in this Part shall be construed to prevent a deputy sheriff from holding the office of either mayor or alderman of a municipality, provided such municipality has a population of two thousand five hundred or less, according to the latest federal decennial census.

  R.S. 42:66(L)(1) exempts you from the prohibitions of the Dual Officeholding and Dual Employment Laws, R.S. 42:61, *et seq*. Thus, you may continue in your position as deputy sheriff if you are elected the Mayor of Newellton."
  AG Op. No. 07-0234

- ❑ Exemption in the state law permits an elected alderman to maintain state employment.

  "While R.S. 42:63(D) prohibits one from holding local elective office and state employment, R.S. 42:66(N) provides an exemption applicable in the instant matter:

  (N) Nothing in the Part shall be construed to prohibit a person holding employment in the government of the state from holding at the same time an elective office in the government of a municipality of this state with a population of less than six thousand five hundred according to the 1990 federal decennial census, unless the particular nature of such employment in combination with the duties and interest of such elective office is incompatible as provided in this Part or is found to be adverse to the public interest as set forth in R.S. 42:61.

The Town of Gibsland is a municipality with a population of less than six thousand. Because of the exemption of R.S. 42:66(N), the person of interest here may serve as elected alderman while maintaining her state employment with DHH."

AG Op. No. 06-0290
R.S. 42:66(N)

Incompatible Offices



- The incompatible offices provisions of the Dual Officeholding and Dual Employment Law prohibit the Chief Administrative Officer for Terrebonne Parish Consolidated Government from simultaneously serving as Chairman of the Houma Restoration District Commission. **AG Op. No. 25-0122**

- The provisions of the Dual Officeholding and Dual Employment Law prohibit the Director of the Twin Parish Port District from performing the duties of Director and the duties of legal counsel.

AG Op. No. 24-0154

- The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Bossier Parish Police Jury (elective position) from serving as a member of the City Charter Review Commission (part-time appointed office) and as a member of the Bossier Parish Library Board of Control (part-time appointed office). Bossier Parish and Bossier City are separate political subdivisions. Therefore, R.S. 42:63(D) does not apply. Further, 42:64(A)(1) does not apply as an "incompatible office" because the Library Board of Control was created by the Bossier Parish Police Jury and it "exercises general powers over the Board of Control pursuant to Article VI, §15 of the Constitution of Louisiana."

AG Op. No. 24-0110

- Part-time Fire Chief of Homer Fire Department is prohibited from serving as the mayor of the Town of Homer pursuant to the "incompatible offices" provisions of R.S. 42:64(A)(1), (A)(5) and (A)(6). **AG Op. No. 21-0093**

- A municipality may not appoint its own mayor to serve on the board of commissioner of a fire protection district; as such appointment is prohibited under the Dual Officeholding and Dual Employment Laws. Another municipality may however appoint the mayor to serve on the board of commissioners for the fire protection district. **AG Op. No. 14-0189**

- It constitutes an impermissible conflict for a police officer to simultaneously serve as a member of the indigent defender board.

  "Here it is important to note that the placement of a law enforcement officer on the indigent defender board would constitute a conflict under LSA-R.S. 42:61. Law enforcement officers work to find and ultimately help convict criminals. It would pose a conflict of interest to require such a person to take part in the defense of a

suspect, possibly causing the destruction of his own work. The other obvious danger is that the officer would, in general, be biased and therefore unable to provide assistance to the indigent.

Further support for this argument is found in LSA-R.S. 42:64 concerning incompatible offices:
C. No other combination of offices or employments shall be deemed to be incompatible unless the powers, functions, or duties are found to be adverse to the public interest as set forth in Section 61 of this Part. (Emphasis added)."

AG Op. No. 95-0289

- ❑ Elected councilman for the City of Westwego may not at the same time hold the position of municipal department head.

"The distinction between an appointive office and an employment is that the appointive office is a position that is established or specifically authorized by the constitution, statutes, home rule charter provisions or ordinances of a municipality or parish. While R.S. 42:63 does not prohibit a local elected official from holding a *part-time* appointive office in the same political subdivision in which he is elected, the positions may still be deemed incompatible under the provisions of R.S. 42:64:

§ 64. Incompatible offices

A. In addition to the prohibitions otherwise provided in this Part, no other offices or employments shall be held by the same person in combination if any of the following conditions are found to pertain and these prohibitions shall exist whether or not the person affected by the prohibition exercises power in conjunction with other officers:

* * *

(4) The incumbent of one office, whether or not in conjunction with fellow officers, or employment is required by law to execute orders and follow directions given by the incumbent of the other office or employment.

(5) One office, whether or not in conjunction with fellow officers, or employment is charged with auditing the accounts of or approving the budget of the other position.

(6) Funds received by one office or employment are deposited with or turned over to the other office or position.

Under R.S. 42:64, a Westwego councilman may not hold a position as Westwego department head, because he would be charged with approving the budget of the department head position in his capacity as councilman." **AG Op. No. 08-0106**

- Elected official of municipality could not also hold full-time appointed position as fire chief within the municipality; full-time fire chief was appointed by governing body of municipality, on which he also served, and governing body also funded and approved the budget of the fire department.

  Ieyoub v. Polito 712 So.2d. 692, 1997-0796 (La.App. 1 Cir.,1998)

Remedies and Penalties

- Once employee, who worked for both state and federal government, resigned from her state position, she was no longer "holding" incompatible employments, under Dual Officeholding and Dual Employment Law (DODEL), and could not be required to reimburse her former employer.

  "Because of her February 15, 2006 resignation, any cause of action the state may have had under LSA-R.S. 42:65(B) to have Holliday ordered to vacate her employment with the 19th JDC and to enjoin her from further carrying out the duties of that employment no longer existed when suit was filed on March 31, 2006. Subsection C of this statute only authorizes the court to order reimbursement with respect to the allowances and payments for travel and other expenses which have been received by the official or employee in the position vacated as provided in Subsection B. Having failed to allege that Holliday was holding incompatible offices or employments or holding a combination of offices or employments prohibited by the DODEL at the time suit was filed, we conclude that the state failed to state a cause of action against Holliday under any of the provisions of LSA-R.S. 42:65."

  Foti v. Holliday (La.App. 1 Cir. 2008) not released for publication. Cited as 2008 WL 4922793 (La.App. 1 Cir.), 2008-0055 (La.App. 1 Cir. 11/18/08)