

September 6, 2000
OPINION 00-324

Honorable Michael J. Waguespack
Sheriff, Assumption Parish
P. O. Box 69
Napoleonville, LA 70390

78 DUAL OFFICEHOLDING
R.S. 42:61 et seq., R.S. 42:63(D)
Where an individual enters into a professional services contract, such is not considered to be a job compensated on a salary or per diem basis, and does not constitute employment within the dual officeholding prohibition.

Dear Mr. Waguespack:

You inquire whether the Assumption Parish Sheriff's Office may hire a school board member as a non-commissioned civilian employee. Our response is in the negative, based upon the authority of the Louisiana Dual Officeholding and Dual Employment Laws, R.S. 42:61 et seq., with specific reference to R.S. 42:63(D), which 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 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.

In further support is Attorney General Opinion 98-325, copy attached.

However, this office has previously observed that where an individual enters into a professional services contract, such is not considered to be a job compensated on a salary or per diem basis, and does not constitute employment within the dual officeholding prohibition. See Attorney General Opinions 96-359, 95-391, 93-190, 92-43, and 90-578.

Should this individual enter into a contractual relationship with the Sheriff's Office to perform the services provided, no dual officeholding problem would be incurred vis-à-vis his membership with the school board.

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We hope the foregoing answers your inquiry. If this office may be of any further assistance to you, please contact us.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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SYLLABUS

79 DUAL OFFICEHOLDING

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Date Received:
Date Released: September 6, 2000

KERRY L. KILPATRICK
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