

January 25, 2001
OPINION 00-405

Mr. John P. Taylor
Captain
St. Tammany Parish Fire District #4
1102 Lafitte Street
Mandeville, LA 70448

9 CIVIL SERVICE
R.S. 33:2536(A) and (B)(2)(c)
Member of St. Tammany Fire Protection District #4 Civil Service Board
may serve as a member of a volunteer fire department but may not
hold employment with a fire protection district.

Dear Captain Taylor:

You advise this office that you serve as a member of the Fire Civil Service Board for the St. Tammany Fire Protection District #4. You ask whether you may also work on a part-time basis for the Third District Volunteer Fire Department in River Ridge, Louisiana. Additionally, you would like to work on a part-time basis for St. Tammany Parish Fire District #3 in Lacombe, Louisiana.

Our response is governed by R.S. 33:2536(A) and (B)(2)(c), which provides:

§ 2536. Fire and police civil service boards

A. A fire and police civil service board is hereby created in the municipal, parish, or fire protection district which shall be composed of five members who shall serve without compensation. This board shall have a chairman, vice-chairman and a secretary. The domicile of the board shall be within the area it serves.

* * * * *

(c) No member of a board shall be a candidate for nomination or election to any public office or hold any other public office or position of public employment, except that of notary public, a military or naval official office, or that of a municipal, parish, or fire protection district fire or police department which is expressly required by the provisions of this Part.

The statute quoted above provides that a member of the Board cannot hold "public" employment. This office has previously determined that members of a volunteer fire department are not considered as holding public office or employment as contemplated by the statute. See Attorney General Opinion 90-521, copy attached.

However, your continued employment with St. Tammany Fire Protection District #3 is problematic. Despite the fact that your employment there is part-time, it is nonetheless "public employment" as prohibited by R.S. 33:2536(B)(2)(c) quoted above. Only the employee-members of the civil service board from the fire and police departments may hold public employment, and "then only their regular employment in the fire or police department." See Attorney General Opinion 78-1286, copy attached.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY: _____
KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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Date Received:
Date Released: January 25, 2001

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL