

## Dual Employment Law Policy

### Policy Statement

The purpose of the dual office holding laws (R.S. 42:61) is to implement a policy which will serve to maintain a high level of trust and confidence by the citizens of this state in our public officials, employees, and the governmental decisions of our government and our political subdivisions by defining and regulating dual employment and by defining, regulating and prohibiting dual office holding.

### Purpose of Policy

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

### Applicability

This policy applies to all employees of Southeastern Louisiana University.

### Policy Procedure

Relevant sections of the Dual Employment Law include:

1. 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. However, 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 of this Subsection, unless the particular nature of his employment in combination with the duties and interests of his appointive office in a political subdivision of this state is otherwise prohibited by this Part or is found to be adverse to the public interest as set forth in R.S. 42:61.
2. Except as otherwise provided by the Louisiana Constitution, no person holding office or employment in one branch of state government 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.
3. 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.

4. No person holding a full-time appointive office or full-time employment in the government of this state or of a political subdivision thereof shall at the same time hold another full-time appointive office or full-time employment in the government of the state of Louisiana, in the government of a political subdivision thereof, or in a combination of these.
5. 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.

**R.S. 42:63 Dual Full-Time Employment ( <https://www.legis.la.gov/Legis/Law.aspx?d=99497> )**

A person may not hold two full-time appointive or employment positions in state or local government, but anything less would generally be permissible. Op. Atty. Gen., No. 87-241, May 15, 1987. The definition of “full-time” appointive or employment position means the period of time which a person normally works or is expected to work is at least seven hours per day of work and at least thirty-five hours per week of work.

**R.S. 42:66 Exemptions ( <https://www.legis.la.gov/Legis/Law.aspx?d=99500> )**

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

For more information, see the LA Revised Statutes, located at <https://www.legis.la.gov/Legis/Law.aspx?d=99495>

Copies are available in Southeastern’s Sims Memorial Library.

*[End of Policy]*