

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

August 30, 2019

Gary L. Carnathan, Esquire
Attorney for the City of Verona
Post Office Drawer 70
Tupelo, Mississippi 38802-0070

Re: Interim police chief serving as school resource officer

Dear Mr. Carnathan:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

Issue Presented

You state that the interim police chief of the City of Verona is in a salaried position and is on call twenty four hours each day. He has accepted a position with the Lee County Schools as a School Resource Officer that requires him to be at the school at specific hours, times and dates. You seek our opinion as to whether the City can continue to pay the salary of the Chief of Police while he has another job with the Lee County Schools and is on that job at the same time that he is Chief of Police.

Response

We have previously opined that a public employee cannot lawfully be paid by two public entities for the same hours worked. *MS AG Op., Nixon* (July 24, 1984); *MS AG Op., Shepard* (April 1, 2013). The Chief of Police may perform his duties as a School Resource Officer only during hours he is not on duty and being compensated as Chief of Police. Therefore, the City may continue to pay the salary of the Chief of Police for the hours he is required to be on duty as such. However, he cannot be compensated by the City for any hours he works as a School Resource Officer for the Lee County Schools. *MS AG Op., Lawrence* (December 9, 1993). See also *MS AG Op., Davies*

Gary L. Carnathan, Esq.
August 30, 2019
Page 2

(June 6, 1997)(chief on call for twenty four (24) hours may serve as constable provided positions are kept separate and distinct); *MS AG Op., Mixon* (October 13, 1993)(relied on *MS AG Op., Garraway* (January 24, 1990)(official on fixed salary and on call twenty four (24) hours a day, when not on duty, may work part-time, provided he fulfills all the duties of office and does not violate city policy); *MS AG Op., Griffin* (October 3, 1990)(no prohibition on part-time, on call police officer serving as full-time officer in another city).

As we said in *Shepard*, the full time status of a public officer/employee could limit his or her ability to perform duties with another public entity due to the prohibition of working at one job while being paid for the other.

This opinion addresses the legal question raised in your letter. Whether or not dual work schedules could be constructed to accommodate the performance of both jobs without violating the stated prohibition is a question of fact that cannot be addressed in an official opinion.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

OFFICIAL By:  OFFICIAL OPINION

Phil Carter
Special Assistant Attorney General