



2015-045

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable John Shearon
Chilton County Sheriff's Department
501 2nd Avenue North
Clanton, Alabama 35045

Sheriffs – Deputies – Employees,
Employers, Employment – County
Employees – Municipalities

The Sheriff of Chilton County may employ a full-time police officer of the City of Jemison as a part-time deputy sheriff.

Dear Sheriff Shearon:

This opinion of the Attorney General is issued in response to your request.

QUESTION

May the Sheriff of Chilton County employ a municipal police officer, who is serving as a park ranger, as a part-time deputy?

FACTS AND ANALYSIS

According to your request, the Chilton County Commission (“County”) and the City of Jemison (“City”) have an agreement whereby the City provides a full-time park ranger to patrol Minooka Park within the police jurisdiction of the City. The park ranger is a certified police officer and employee of the City’s police department. Pursuant to the agreement, the County reimburses the City for the salary and benefits of the park ranger. Although the agreement requires the City to provide the park ranger, it does not specify a particular individual to fill the position. The employee of the City that is sought to be hired by the County generally, but not always, serves as the park ranger.

Section 280 of the Constitution of Alabama prohibits an individual from holding more than one office of profit. ALA. CONST. art. XVII, § 280. A deputy sheriff, however, does not hold an office of profit. Opinion to Honorable

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James K. Taylor, Circuit Clerk of Escambia County, dated January 11, 2013, A.G. No. 2013-022; opinion to Honorable Rae B. Ware, Town Clerk, Town of Snead, dated March 9, 2009, A.G. No. 2009-048; opinion to Honorable Tracy L. Hawsey, Sheriff of Conecuh County, dated September 5, 2003, A.G. No. 2003-235. Similarly, a municipal police officer does not hold an office of profit. Opinion to Honorable Danny L. Smith, Attorney for City of Boaz, dated September 22, 2000, A.G. No. 2000-246; opinion to Honorable J. David Stout, Member, House of Representatives, dated May 11, 1982, A.G. No. 82-00331. Thus, the prohibition in section 280 is inapplicable to the facts presented. *\$1568.00 U.S. Currency v. State*, 612 So. 2d 497, 500 (Ala. Civ. App. 1992).

We also note that the part-time employment by a municipality of a deputy sheriff is specifically authorized by section 11-43-16 of the Code of Alabama. ALA. CODE § 11-43-16 (2008); opinion to Honorable Roger W. Davis, Sheriff, Marengo County Sheriff's Department, dated October 20, 1993, A.G. No. 94-00022.

Accordingly, this Office concludes that there is no prohibition against the County employing a full-time police officer of the City as a part-time deputy sheriff. As we did in the *Davis* opinion, however, we caution that care should be taken to ensure that the duties of each position do not overlap or interfere with each other and that such an arrangement does not violate any personnel rules of either agency. *Davis* at 2-3.

CONCLUSION

The Sheriff of Chilton County may employ a full-time police officer of the City of Jemison as a part-time deputy sheriff.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ben Baxley of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

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