

COUNTY OF SALEM

REQUEST FOR PROPOSAL FOR THE POSITION OF

COUNTY LABOR & LITIGATION COUNSEL

Position and Term:

The County of Salem requests proposals from New Jersey attorneys or law firms interested in serving in the position of "County Labor Attorney" from January 1, 2010 to December 31, 2010.

Description of Services:

Serve as labor counsel for the Salem County Board of Chosen Freeholders and related County Employers/Appointing Authorities, including County Sheriff and County Prosecutor. Attend meeting with County Officials as requested. Attends all local grievance hearings before the Clerk of the Board. Attends all local disciplinary hearings before the Clerk of the Board. Interface with the Clerk of the Board, usually at least weekly. Negotiates for the County in relation to its Collective Bargaining Agreements with its uniformed and non-uniformed bargaining units. Represents the County with regard to PERC matters as needed. Represents the County with regard to Civil Service disciplinary appeals before the Office of Administrative Law and Merit System Board. Is on call to assist the County in compliance with Fair Labor Standards Act, Family Medical Leave Act, New Jersey Family Leave Act, the Federal Health Information Portability and Accountability Act, Workers Compensation Laws, Civil Rights Laws, Americans with Disabilities Act and other employment laws and regulations. Apprise the County and its officials and offices of developments in the law requiring compliance, policy development or other action.

Compensation:

Compensation shall be based on a professional services contract to be negotiated by the County with the applicant deemed to be most advantageous.

The Salary is determined in the Annual Salary Resolution of the County for all services, except that matters requiring representation before PERC, OAL, Merit System Board, litigation and extra-ordinary projects may be billed at an hourly rate. The County Labor Attorney is also entitled to bill the County for expenses incurred or advanced on behalf of the County in relation to services provided, including extraordinary copying, postage or other expense at the rates customarily charged by the Labor Attorney.

Fair and Open Process:

These proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4. Applicants who meet with the Minimum Requirements for the position as set forth below, and are willing to provide the described services for the disclosed compensation, shall be evaluated on the basis of experience and qualifications as set forth in the criteria described below.

In order to be considered applicants **must submit** their reply to the Office of the County Purchasing Agent at 94 Market Street, Salem, New Jersey 08079 (phone # 856 935-7510 x 8401) **on or before 10:00 a.m. on December 18, 2009**. At that time and place all proposals received shall be publically opened and announced by the County Purchasing Agent or his designee.

Proposals will thereafter be received by the Salem County Board of Chosen Freeholders who shall award the contract for the services. The award of the Contract will be based on the following criteria: (i) responsiveness to the Qualification Evaluation and other required submissions; (ii) general experience and reputation in the field; (iii) specific experience/knowledge of the County of Salem and the subject matter to be addressed under the Contract; (iv) qualifications and experience which most closely match the needs of the County; (v) availability to accommodate meeting and interface requirements with the County Officials for meetings, phone conferences, attendance at events and office consultations; (vi) office resources, including backup staff, which are deemed most adequate to service the needs of the County; and (vii) the applicant who is deemed otherwise most advantageous based on all information submitted or gathered in connection with the proposal.

The County reserves the right to: (i) not select any of the applicants; (ii) require applicants to submit to a personal interview and/or submit additional or clarifying information; (iii) to reject any or all proposals; (iv) to waive any informalities in the proposals; and (v) procure the articles or services from other sources if deemed most advantageous to the objectives of the County.

The County's determination of the applicant who is most advantageous to the goals and objectives of the County shall be final and conclusive.

The award of the contract shall be determined by majority vote on a resolution to be read by title at an open public meeting.

No applicant shall influence, or attempt to influence or cause to be influenced, any County Official, Officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment. No applicant shall cause or influence, or attempt to cause or influence, any County Official, Officer or employee to secure unwarranted privileges or advantages.

Minimum Requirements:

Must be fully licensed and in good standing to practice law in the State of New Jersey.

- Experience with FOP labor relations
- Primary office located in Salem County

Minimum of 2 years of experience representing a New Jersey County as County Labor Attorney.

Qualifications Evaluation:

1. Minimum Requirements. Please attach resume and/or other documentation demonstrating compliance with the "Minimum Requirements" detailed above.
2. Please describe your experience with regard to the negotiation of Collective Bargaining Agreements.
3. Please describe your experience with regard to SCOPE of Negotiation issues.
4. Please describe your experience with regard to interest arbitration.
5. Please describe your experience in representing a County in relation to residency issues.
6. Please describe your knowledge and experience with regard to Civil Service compliance, appointment, discipline, lay-off and termination procedures, regulations and appeals. Include specifics regarding representation of a public employer in a termination appeal before the Merit System Board with regard to both regular and law enforcement personnel.
7. Please describe your experience in representing a public employer with regard to PERC.
8. Please describe your experience in advising, representing or counseling a public employer with regard to workplace harassment issues, policies, compliance or matters. Please include specifically whether you have provided "workplace harassment policy training seminars" to employees; and whether you have ever conducted a workplace harassment investigation for a public employer.
9. Please describe whether there is any disciplinary proceedings pending against you in any jurisdiction or whether discipline has been previously imposed against you in any jurisdiction. If discipline has previously been imposed, state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If proceedings are pending, specify the jurisdiction, the charges and the likely time of their disposition.

10. Disclose and describe whether you have ever been sued for malpractice.
11. Disclose and describe any arrests or convictions against you.
12. What is the location of your Office? In Salem County or out of Salem County.
13. Describe the resources of your office. Include details of support staff. Include information on other qualified attorneys in your office who would be available to County Officials in the event you were absent or unavailable.