

(2) IF THE CHARGING PARTY AND THE CHARGED PARTY ARE UNABLE TO RESOLVE THE MATTER, THE CHARGE SHALL BE SUBMITTED TO AN UMPIRE SELECTED ACCORDING TO THE FOLLOWING RULES:

(I) THE COMMISSION SHALL APPOINT THE UMPIRE FROM A LIST OF 5 NOMINEES AGREED UPON BY THE EXCLUSIVE REPRESENTATIVE AND THE EXECUTIVE DIRECTOR OF THE COMMISSION.

(II) THE UMPIRE SHALL SERVE FOR 2 YEARS AND BE ELIGIBLE FOR REAPPOINTMENT.

(III) 1. THE FEES AND EXPENSES OF THE UMPIRE SHALL BE PAID AS SET FORTH BY AGREEMENT OF THE PARTIES.

2. UNLESS OTHERWISE PROVIDED BY AGREEMENT, THE PARTIES SHALL SHARE EQUALLY THE UMPIRE'S COSTS.

(IV) THE UMPIRE MAY NOT BE OTHERWISE EMPLOYED BY EITHER THE COMMISSION OR THE EXCLUSIVE REPRESENTATIVE.

(4) THE POWER OF THE UMPIRE IS EXCLUSIVE.

(5) THE UMPIRE MAY NOT REQUIRE COMPLIANCE WITH THE TECHNICAL RULES OF EVIDENCE.

(6) THE UMPIRE:

(I) SHALL INVESTIGATE AND ATTEMPT TO RESOLVE OR SETTLE, AS PROVIDED IN THIS SECTION, CHARGES OF ENGAGING IN PROHIBITED PRACTICES;

(II) SHALL DEFER TO ANY VALID GRIEVANCE PROCEDURE ADOPTED BY THE COMMISSION AND THE EXCLUSIVE REPRESENTATIVE FOR THE RESOLUTION OF DISPUTES SUBJECT TO THE GRIEVANCE PROCEDURE, UNLESS THE DEFERRAL WOULD RESULT IN A VIOLATION OF THE PURPOSES OF THIS SECTION;

(III) SHALL DEFER TO THE MARYLAND LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS FOR THE RESOLUTION OF DISPUTES SUBJECT TO THAT SUBTITLE;

(IV) SHALL RECOGNIZE FUNDAMENTAL DISTINCTIONS BETWEEN PRIVATE AND PUBLIC EMPLOYMENT; AND

(V) MAY NOT REGARD FEDERAL AND STATE LAW THAT IS APPLICABLE WHOLLY OR IN PART TO PRIVATE EMPLOYMENT AS CONTROLLING PRECEDENT.

(7) BASED ON THE PREPONDERANCE OF THE EVIDENCE, THE UMPIRE SHALL SUBMIT WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE PARTIES NO LATER THAN 40 DAYS FROM THE DATE OF APPOINTMENT.

(8) IF THE UMPIRE DETERMINES THAT A PARTY NAMED IN THE COMPLAINT HAS ENGAGED OR IS ENGAGING IN AN UNFAIR LABOR PRACTICE, THE UMPIRE SHALL ISSUE AN ORDER REQUIRING THE PARTY TO CEASE THE PRACTICE.