

(2) IN DETERMINING THE MORE REASONABLE OFFER, THE MEDIATOR-ARBITRATOR MAY CONSIDER ONLY:

(I) PAST COLLECTIVE BARGAINING CONTRACTS BETWEEN THE PARTIES, INCLUDING THE BARGAINING HISTORY THAT LED TO THE AGREEMENT OR THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;

(II) A COMPARISON OF HOURS, BENEFITS, AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC EMPLOYERS IN THE WASHINGTON METROPOLITAN AREA AND IN THE STATE;

(III) A COMPARISON OF HOURS, BENEFITS, AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF PRIVATE EMPLOYERS IN MONTGOMERY COUNTY;

(IV) THE PUBLIC INTEREST AND WELFARE;

(V) THE ABILITY OF THE EMPLOYER TO FINANCE ANY ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED AGREEMENT;

(VI) THE EFFECTS OF ANY ECONOMIC ADJUSTMENTS ON THE STANDARD OF PUBLIC SERVICES NORMALLY PROVIDED BY THE EMPLOYER; AND

(VII) THE ANNUAL INCREASE OR DECREASE IN CONSUMER PRICES FOR ALL ITEMS AS SHOWN IN THE MOST RECENT CONSUMER PRICE INDEX - WAGE EARNERS AND CLERICAL WORKERS ("CPI-W") FOR THE WASHINGTON-BALTIMORE METROPOLITAN AREA.

(3) IN DETERMINING THE MORE REASONABLE OFFER, THE MEDIATOR-ARBITRATOR SHALL CONSIDER THAT ALL ITEMS ON WHICH THE PARTIES AGREED BEFORE THE MEDIATION-ARBITRATION ARE INTEGRATED WITH EACH OFFER.

(4) THE MEDIATOR-ARBITRATOR MAY NOT RECEIVE OR CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATING TO THE IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN THE OFFER SUBMITTED TO THE MEDIATOR-ARBITRATOR.

(E) FINAL OFFER UNCHANGEABLE.

THE MEDIATOR-ARBITRATOR MAY NOT COMPROMISE OR ALTER THE FINAL OFFER THAT THE MEDIATOR-ARBITRATOR CHOOSES.

(F) FINAL OFFER AS FINAL AGREEMENT.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND WITHOUT RATIFICATION BY THE PARTIES, THE OFFER THAT THE MEDIATOR-ARBITRATOR CHOOSES AS INTEGRATED WITH THE ITEMS ON WHICH THE PARTIES PREVIOUSLY AGREED IS THE FINAL AGREEMENT BETWEEN THE MONTGOMERY COMMISSION AND THE EXCLUSIVE REPRESENTATIVE.