

727.

(d) "Hearing board" means:

(1) A board which is authorized by the chief to hold a hearing on a complaint against a law enforcement officer and which consists of not less than three members, except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, all to be appointed by the chief and selected from law enforcement officers within that agency, or law enforcement officers of another agency with the approval of the chief of the other agency, and who have had no part in the investigation or interrogation of the law enforcement officer. At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint has been filed.

(2) (I) THE PROVISIONS OF THIS PARAGRAPH MAY NOT BE THE SUBJECT OF BINDING ARBITRATION.

~~(2)-(1)~~ (II) AN AGENCY OR AN AGENCY'S SUPERIOR GOVERNMENTAL AUTHORITY THAT HAS RECOGNIZED OR CERTIFIED AN EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE MAY NEGOTIATE WITH THE EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE AN ALTERNATE METHOD OF FORMING A HEARING BOARD.

~~(1)~~ (III) A LAW ENFORCEMENT OFFICER MAY ELECT THE ALTERNATE METHOD OF FORMING A HEARING BOARD INSTEAD OF THE METHOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE LAW ENFORCEMENT OFFICER WORKS WITHIN AN AGENCY DESCRIBED IN SUBPARAGRAPH ~~(1)~~ (II) OF THIS PARAGRAPH AND THE LAW ENFORCEMENT OFFICER IS INCLUDED IN THE COLLECTIVE BARGAINING UNIT.

~~(1)~~ (III) (IV) AN AGENCY DESCRIBED IN SUBPARAGRAPH ~~(1)~~ (II) OF THIS PARAGRAPH SHALL NOTIFY THE LAW ENFORCEMENT OFFICER IN WRITING BEFORE THE FORMATION OF THE HEARING BOARD THAT THE LAW ENFORCEMENT OFFICER MAY ELECT AN ALTERNATE METHOD OF FORMING A HEARING BOARD IF ONE HAS BEEN NEGOTIATED UNDER THIS PARAGRAPH.

~~(1)~~ (IV) (V) IF THE LAW ENFORCEMENT OFFICER ELECTS AN ALTERNATE METHOD OF FORMING A HEARING BOARD UNDER THIS PARAGRAPH, THE ALTERNATE METHOD SHALL BE USED TO FORM THE HEARING BOARD.

~~(1)~~ (V) (VI) AN AGENCY OR AN EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE MAY NOT REQUIRE A LAW ENFORCEMENT OFFICER TO ELECT AN ALTERNATE METHOD OF FORMING A HEARING BOARD UNDER THIS PARAGRAPH.

~~(1)~~ (VI) (VII) IF THE LAW ENFORCEMENT OFFICER HAS BEEN OFFERED SUMMARY PUNISHMENT, AN ALTERNATE METHOD OF FORMING A HEARING BOARD MAY NOT BE USED.