

(1) IF THE GRIEVANT ELECTS ARBITRATION, THE PARTIES SHALL MUTUALLY SELECT AN ARBITRATOR.

(2) IF THE PARTIES ARE UNABLE TO AGREE ON AN ARBITRATOR, AN ARBITRATOR SHALL BE SELECTED THROUGH THE AMERICAN ARBITRATION ASSOCIATION IN ACCORDANCE WITH ITS PROCEDURES.

(3) THE ARBITRATOR SHALL ASSESS ALL FEES THAT RESULT FROM THE ARBITRATION EQUALLY BETWEEN THE PARTIES.

(4) THE ARBITRATOR SHALL ISSUE AN ADVISORY DECISION TO THE SECRETARY, AND ADDITIONAL APPEALS OR HEARINGS MAY NOT BE CONSIDERED OR HELD.

(5) WITHIN 15 DAYS AFTER THE DECISION OF THE ARBITRATOR IS RECEIVED, THE SECRETARY SHALL ISSUE A DECISION IN WRITING.

(D) EFFECT OF DECISION.

(1) A DECISION OF THE SECRETARY IS FINAL AND BINDING ON ALL PARTIES.

(2) IF AN INITIAL DETERMINATION IS RESCINDED BY THE SECRETARY, FURTHER ACTION MAY NOT BE TAKEN AGAINST THE GRIEVANT WITH RESPECT TO ANY CHARGE THAT WAS CONSIDERED AT THE HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 54(a)(3), (c), and (e) and the fourth sentence of § 55(e).

Subsection (a) of this section is rephrased to state expressly that an appeal is made to the Secretary and that the grievant may elect to have the appeal heard by the Secretary or submitted to arbitration.

In subsection (a)(1) of this section, the former phrase "[i]f the dispute is still unresolved" is deleted as implicit. Similarly, in subsection (a)(4) of this section, the former phrase "if the matter is not resolved" is deleted.

In subsection (a)(2) of this section, the requirement that an appeal be signed is added to conform to the similar requirement in § 10-208(a)(2) of this subtitle.

In subsection (a)(4) of this section, former Art. 64A, § 54(c) is revised to clarify that its provisions apply to all Step Three grievances, whether heard by the Secretary or an arbitrator.

In subsection (b)(2) of this section, the former reference to a "hearing officer from the Department" is deleted in accordance with Ch. 788, Acts of 1989, which transferred departmental hearing officers to the Office of Administrative Hearings. See generally Title 9, Subtitle 16 of the State Government Article. See also § 2-301 of this article, which allows the Secretary to delegate the authority to conduct the hearing and issue a final decision to the Office of Administrative Hearings.