

(6) 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.

(7) 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.

(8) An order may:

(i) Include any remedies, including reinstatement of a public employee with or without back pay;

(ii) Require periodic reports on the extent to which the party has complied with an order; and

(iii) Be designed to prevent future unfair labor practices.

(9) A party who is aggrieved by a final decision of an umpire is entitled to judicial review of the decision as provided in paragraph (10) of this subsection.

(10) (i) Within 30 days after the issuance of a final order, a petition for judicial review shall be filed with the Circuit Court for Prince George's County or the Circuit Court for Montgomery County.

(ii) The Circuit Court may not consider evidence that was not offered in the proceeding before the umpire unless the court determines that the failure to offer the evidence shall be excused because of extraordinary circumstances.

(iii) The Circuit Court may not overturn the umpire's decision unless the court finds that the umpire's decision is not supported by substantial evidence.

(11) (i) A charging party may petition the Circuit Court for Prince George's County or the Circuit Court for Montgomery County for enforcement of an order of an umpire.

(ii) Unless a petition for judicial review has been filed in accordance with paragraph (10) of this subsection, a petition for enforcement of an order of an umpire may not be used to appeal the final decision of the umpire.

DRAFTER'S NOTE:

Error: Incorrect numbering in Article 28, § 5-114.1(k).

Occurred: Ch. 563, Acts of 1993. Correction by the Michie Company in the 1993 Replacement Volume of Volume 3 is validated by this Act.

8-101.

(b) (1) In this subsection, the term "zoning classification of agricultural open space" means a zoning classification in which uses are limited to those permissible in the agricultural open space portion of an agricultural preservation development under § 27-445.01 of the Prince George's County Code (1991 Edition, as amended).