

(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.]

(1) (I) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL DISPOSE OF THE GRIEVANCE OR CONDUCT A HEARING ON EACH GRIEVANCE RECEIVED FROM THE SECRETARY IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE. ~~THE OFFICE IS BOUND BY ANY REGULATION, DECLARATORY RULING, PRIOR ADJUDICATION, OR OTHER SETTLED, PREEXISTING POLICY, TO THE SAME EXTENT AS THE DEPARTMENT IS OR WOULD HAVE BEEN BOUND IF IT WERE HEARING THE CASE.~~

(II) THE OFFICE IS BOUND BY ANY REGULATION, DECLARATORY RULING, PRIOR ADJUDICATION, OR OTHER SETTLED, PREEXISTING POLICY, TO THE SAME EXTENT AS THE DEPARTMENT IS OR WOULD HAVE BEEN BOUND IF IT WERE HEARING THE CASE.

(III) THE EMPLOYEE HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE.

(2) (I) WITHIN 45 DAYS AFTER THE CLOSE OF THE HEARING RECORD, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE A WRITTEN DECISION TO THE PARTIES AND MAY GRANT ANY APPROPRIATE REMEDY UNDER §12-402 OF THIS TITLE.

(II) THE DECISION OF THE OFFICE OF ADMINISTRATIVE HEARINGS IS ~~FINAL~~ THE FINAL ADMINISTRATIVE DECISION.

[(d) (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(2) If an initial determination is rescinded by the Secretary, further action may not be taken against the grievant with respect to any charge that was considered at the hearing.]

Subtitle 3. [Miscellaneous Provisions.] ALTERNATE USE OF PEER REVIEW PANEL
12-301.

IF A GRIEVANT'S PRINCIPAL UNIT HAS ESTABLISHED A PEER REVIEW PANEL FOR GRIEVANCES IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY, THE GRIEVANT MAY ELECT TO:

(1) WAIVE STEP TWO AND STEP THREE OF THE GRIEVANCE PROCEDURE; AND