

(II) IF THE PARTIES ARE UNABLE TO AGREE ON A MEDIATOR-ARBITRATOR, THE LABOR RELATIONS ADMINISTRATOR SHALL NAME THE MEDIATOR-ARBITRATOR ON OR BEFORE DECEMBER 7.

(III) NOTWITHSTANDING APPOINTMENT OF THE MEDIATOR-ARBITRATOR, NOTHING IN THIS SUBSECTION SHALL REQUIRE COMMENCEMENT OF MEDIATION-ARBITRATION PRIOR TO THE DATE SET FORTH IN PARAGRAPH (3) OF THIS SUBSECTION.

(2) DURING THE COURSE OF THE COLLECTIVE BARGAINING EITHER PARTY MAY DECLARE AN IMPASSE AND REQUEST THE SERVICES OF THE MEDIATOR-ARBITRATOR, OR THE PARTIES MAY JOINTLY REQUEST THE SERVICES OF A MEDIATOR-ARBITRATOR BEFORE AN IMPASSE IS DECLARED.

(3) IF THE MEDIATOR-ARBITRATOR FINDS IN THE MEDIATOR-ARBITRATOR'S SOLE DISCRETION THAT THE PARTIES ARE AT A BONA FIDE IMPASSE OR ON FEBRUARY 1, WHICHEVER OCCURS EARLIER, THE MEDIATOR-ARBITRATOR SHALL DIRECT THE PARTIES TO SUBMIT:

(I) A JOINT MEMORANDUM LISTING ALL ITEMS TO WHICH THE PARTIES PREVIOUSLY AGREED; AND

(II) A SEPARATE MEMORANDUM OF THE PARTY'S LAST FINAL OFFER PRESENTED IN NEGOTIATIONS ON ALL ITEMS TO WHICH THE PARTIES DID NOT PREVIOUSLY AGREE.

(4) (I) ON OR BEFORE FEBRUARY 10, THE MEDIATOR-ARBITRATOR SHALL HOLD A NONPUBLIC HEARING ON THE PARTIES' PROPOSALS AT A TIME, DATE, AND PLACE SELECTED BY THE MEDIATOR-ARBITRATOR.

(II) EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND WRITTEN ARGUMENT IN SUPPORT OF THE PARTY'S LAST FINAL OFFER.

(III) THE MEDIATOR-ARBITRATOR MAY NOT OPEN THE HEARING TO A PERSON WHO IS NOT A PARTY TO THE MEDIATION-ARBITRATION.

(5) (I) ON OR BEFORE FEBRUARY 15, THE MEDIATOR-ARBITRATOR SHALL ISSUE A REPORT SELECTING BETWEEN THE FINAL OFFERS SUBMITTED BY THE PARTIES THAT THE MEDIATOR-ARBITRATOR DETERMINES TO BE MORE REASONABLE, VIEWED AS A WHOLE.

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

1. PAST COLLECTIVE BARGAINING CONTRACTS BETWEEN THE PARTIES, INCLUDING THE PAST BARGAINING HISTORY THAT LED TO THE AGREEMENT OR THE PRE-COLLECTIVE BARGAINING HISTORY OF EMPLOYEE WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;

2. A COMPARISON OF WAGES, HOURS, BENEFITS, AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC EMPLOYERS IN THE WASHINGTON METROPOLITAN AREA AND IN THE STATE;