

(5) The umpire:

(i) Shall investigate and attempt to resolve or settle, as provided in this section, charges of engaging in prohibited practices;

(ii) Shall defer to any valid grievance procedure adopted by the [Commission] MNCPPC and the exclusive representative for the resolution of disputes subject to the grievance procedure, unless the deferral would result in a violation of the purposes of this section;

(iii) Shall defer to the Maryland Law Enforcement Officers' Bill of Rights for the resolution of disputes subject to that subtitle;

(iv) Shall recognize fundamental distinctions between private and public employment; and

(v) May not regard federal and State law that is applicable wholly or in part to private employment as controlling precedent.

(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.