

substituted language is intended to clarify the overlapping statements about responsibility in former Art. 89, §§ 3 through 13. The sixth sentence of former § 3 created the Mediation Service and stated that, "on behalf of the Commissioner", the Mediation Service "shall administer the provisions of this subtitle [§§ 3 through 13]". However, the fifth sentence of former § 11 provided for the position of Chief Mediator "who ... shall have in charge the execution of the provisions of this section [§ 11], under the direction and supervision of the Commissioner", while former §§ 3 through 13 contained references such as "the Commissioner", "his duly authorized representatives", "his designee", and "a person officially connected with the Commissioner's office". The Labor and Employment Article Review Committee considered whether the statement of the duties of the Mediation Service under former § 3, which was enacted by Ch. 429, Acts of 1969, transferred to the Mediation Service all of those responsibilities that previously had been conferred on the Commissioner or "his duly authorized representatives" or other designee or merely limited the choice of a designee. In fact, the Mediation Service does administer the provisions formerly codified as §§ 3 through 13, not merely for but "under the supervision" of the Commissioner, as the new language in subsection (a) of this section states. Therefore, throughout this subtitle, the defined term "Mediation Service" is substituted for the former references such as "the Commissioner", "his authorized representatives", and the "Division of Labor and Industry", unless the context clearly indicates that the function is not intended to be delegatable.

Since the Chief Mediator is not only the head of the Mediation Service but, generally, its only employee, the former specific responsibility for former § 11 is covered also.

Subsection (b) of this section is new language derived without substantive change from the third clause of the fifth sentence of former Art. 89, § 11, as that clause related to assistants, and rephrased as a power to assign staff.

As to appointment of the Chief Mediator, see § 2-104(e) of this article.

Defined terms: "Commissioner" § 4-101

"Mediation Service" § 4-101

4-104. GENERAL DUTIES OF MEDIATION SERVICE.

TO THE EXTENT POSSIBLE, THE MEDIATION SERVICE SHALL:

(1) PROMOTE VOLUNTARY MEDIATION OR ARBITRATION OF DISPUTES BETWEEN EMPLOYERS AND EMPLOYEES; AND

(2) DISCOURAGE RESORT TO A LEGAL PROCEEDING OR TO A BLACKLIST, BOYCOTT, DISCRIMINATION, OR LOCKOUT IN OR ARISING OUT OF A DISPUTE BETWEEN EMPLOYERS AND EMPLOYEES.