

(2) IF THE MEDIATION SERVICE IS UNABLE TO MEDIATE, MAY TRY TO OBTAIN THE CONSENT OF THE DISPUTANTS FOR FORMATION OF A BOARD.

(C) FAILURE OF MEDIATION OR ARBITRATION.

(1) WHENEVER THE MEDIATION SERVICE IS UNABLE TO MEDIATE A DISPUTE AND A DISPUTANT REFUSES CONSENT FOR FORMATION OF A BOARD OR FOR ARBITRATION BY THE CHIEF MEDIATOR, THE MEDIATION SERVICE SHALL INVESTIGATE THOROUGHLY THE CAUSE OF THE DISPUTE.

(2) IN AN INVESTIGATION UNDER THIS SUBSECTION, THE MEDIATION SERVICE MAY DEPOSE A DISPUTANT.

(3) AFTER AN INVESTIGATION UNDER THIS SUBSECTION, THE MEDIATION SERVICE:

(I) SHALL DECIDE WHICH DISPUTANT IS MAINLY RESPONSIBLE OR BLAMEWORTHY FOR CONTINUANCE OF THE DISPUTE; AND

(II) OVER THE OFFICIAL SIGNATURE OF THE COMMISSIONER OR CHIEF MEDIATOR, SHALL PUBLISH IN A DAILY NEWSPAPER A REPORT THAT ASSIGNS RESPONSIBILITY OR BLAME FOR THE CONTINUANCE OF THE DISPUTE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 8, the first sentence of § 3, and the first sentence of § 4.

In subsections (b) and (c) of this section, the word "disputant[s]" is substituted for the former references to "an employer ... or ... one or more employees of the employer", "the parties to the controversy or dispute", and a "party", for consistency and brevity. The Labor and Employment Article Review Committee notes, however, for consideration by the General Assembly, that the former law did not delineate who may be considered a "party". Thus it is not clear, for example, whether only a top official of a union is a "disputant" or whether a lower level official also could be a "disputant".

In subsection (b)(2) of this section, the former phrase "at his discretion" is deleted as unnecessary in light of the word "may".

In subsection (c)(1) of this section, the word "and" is substituted for the former word "or" to conform to subsection (b)(2) of this section.

Also in subsection (c)(1) of this section, the reference to "arbitration by the Chief Mediator" is added in light of § 4-405, which states the formation of a Board is discretionary. Absent formation of a Board, the Chief Mediator would be responsible for arbitration.