

(II) THE MANAGING OFFICIAL.

(B) (1) AFTER A DISCIPLINARY HEARING AND A FINDING OF GUILT, THE HEARING BOARD MAY RECOMMEND THE PENALTY IT CONSIDERS APPROPRIATE UNDER THE CIRCUMSTANCES, INCLUDING DEMOTION, DISMISSAL, TRANSFER, LOSS OF PAY, REASSIGNMENT, OR OTHER SIMILAR ACTION THAT IS CONSIDERED PUNITIVE.

(2) THE RECOMMENDATION OF A PENALTY SHALL BE IN WRITING.

(C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE DECISION OF THE HEARING BOARD AS TO FINDINGS OF FACT AND ANY PENALTY IS FINAL IF:

(I) A MANAGING OFFICIAL IS AN EYEWITNESS TO THE INCIDENT UNDER INVESTIGATION; OR

(II) A MANAGING OFFICIAL HAS AGREED WITH AN EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE RECOGNIZED OR CERTIFIED UNDER APPLICABLE LAW THAT THE DECISION IS FINAL.

(2) THE DECISION OF THE HEARING BOARD THEN MAY BE APPEALED IN ACCORDANCE WITH § 11-1010 OF THIS SUBTITLE.

(3) PARAGRAPH (1)(II) OF THIS SUBSECTION IS NOT SUBJECT TO BINDING ARBITRATION.

(D) (1) WITHIN 30 DAYS AFTER RECEIPT OF THE RECOMMENDATIONS OF THE HEARING BOARD, THE MANAGING OFFICIAL SHALL:

(I) REVIEW THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE HEARING BOARD; AND

(II) ISSUE A FINAL ORDER.

(2) THE FINAL ORDER AND DECISION OF THE MANAGING OFFICIAL IS BINDING AND THEN MAY BE APPEALED IN ACCORDANCE WITH § 11-1010 OF THIS SUBTITLE.

(3) THE RECOMMENDATION OF A PENALTY BY THE HEARING BOARD IS NOT BINDING ON THE MANAGING OFFICIAL.