[J-133-2002]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

GREENE COUNTY AND GREENE COUNTY CHILDREN AND YOUTH SERVICES,	:	No. 31 WAP 2002
Appellants	:	Appeal from the Order of the Commonwealth Court entered on June 13, 2001 at No. 3432 CD 1998, reversing the Order of the Court of Common Pleas of Greene County entered on November 18, 1998 at No. AD 245 of 1998.
v.	:	
DISTRICT 2, UNITED MINE WORKERS OF AMERICA AND LOCAL UNION 9999, UNITED MINE WORKERS OF AMERICA,	:	778 A.2d 1259 (Pa. Cmwlth. 2001)
Appellees	:	ARGUED: September 11, 2002

CONCURRING OPINION

MR. JUSTICE SAYLOR **DECIDED: JUNE 23, 2004**

As suggested by the dissent in City of Easton v. American Fed'n of State, County and Mun. Employees, AFL-CIO, Local 447, 562 Pa. 438, 756 A.2d 1107 (2000), the core functions doctrine fashioned in that case is inherently incompatible with an exclusive focus on rational derivation from the collective bargaining agreement, as reflected in the essence test as developed by this Court. See id. at 451, 756 A.2d at 1114 (Cappy, J., dissenting). See generally State Sys. of Higher Educ. (Cheyney Univ.) v. State College Univ. Prof'l Ass'n (PSEA-NEA), 560 Pa. 135, 150, 743 A.2d 405, 413 (1999) (articulating the essence test). For this reason, although I certainly respect the majority's effort, I believe that it is ultimately unsuccessful in its attempt to couch the

result of this case in terms of a reasoned application of the essence test. In my view, City of Easton supplants the essence test, in favor of something akin to the otherwise discredited manifest unreasonableness standard, for certain cases arising in the public sector in which the employer's core functions can be said to be implicated by the arbitrator's decision. As I am bound by City of Easton, I concur in the result.

Mr. Justice Eakin joins this concurring opinion.