

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

|                                   |   |                                       |
|-----------------------------------|---|---------------------------------------|
| RACHEL L. CARR                    | : | No. 460 MAL 2018                      |
|                                   | : |                                       |
|                                   | : |                                       |
| v.                                | : | Petition for Allowance of Appeal from |
|                                   | : | the Order of the Commonwealth Court   |
|                                   | : |                                       |
| COMMONWEALTH OF PENNSYLVANIA,     | : |                                       |
| DEPARTMENT OF TRANSPORTATION      | : |                                       |
| AND COMMONWEALTH OF               | : |                                       |
| PENNSYLVANIA, STATE CIVIL SERVICE | : |                                       |
| COMMISSION                        | : |                                       |
|                                   | : |                                       |
|                                   | : |                                       |
| PETITION OF: PENNSYLVANIA         | : |                                       |
| DEPARTMENT OF TRANSPORTATION      | : |                                       |

**ORDER**

**PER CURIAM**

**AND NOW**, this 8<sup>th</sup> day of January, 2018, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by Petitioner, are:

(1) Is the Commonwealth Court's decision in conflict with the U.S. Supreme Court's rulings in *Pickering* [*v. Bd. of Educ. of Twp. High Sch. Dist.*, 391 U.S. 563 (1968)] and its progeny, which allow a government employer to terminate an employee on the basis of their speech, even when it touches upon a matter of public concern, so long as the employer can demonstrate that an adverse effect could be reasonably foreseen?

(2) Did the Commonwealth Court err as a matter of law by failing to give sufficient weight to the public importance, or lack thereof, of Carr's Facebook comments, as required by *Pickering* and its progeny?

(3) Did the Commonwealth Court err as a matter of law by failing to give sufficient weight to the public importance, or lack thereof, of Carr's Facebook comments, as required by the Pennsylvania Supreme Court in *Sacks*?