

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

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| ALLEGHENY COUNTY DEPUTY SHERIFFS' ASSOCIATION, | : | No. 236 WAL 2013 |
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| Petitioner | : | Petition for Allowance of Appeal from the |
| | : | Published Opinion and Order of the |
| | : | Commonwealth Court at No. 959 CD |
| v. | : | 2009, at 68 A.3d 6 (Pa. Cmwlth. 2013) |
| | : | filed May 2, 2013, affirming the Order of |
| | : | the Pennsylvania Labor Relations Board |
| PENNSYLVANIA LABOR RELATIONS BOARD, | : | at No. PF-R-08-74-W filed April 21, 2009 |
| | : | |
| | : | |
| Respondent | : | |

ORDER

PER CURIAM

AND NOW, this 26th day of November, 2013, the Petition for Allowance of Appeal is **GRANTED**. This Court remanded the matter to the Commonwealth Court for consideration of constitutional claims raised by Intervenor Allegheny County. See Allegheny County Deputy Sheriffs' Ass'n v. PLRB, 41 A.3d 839, 846 n.8 (Pa. 2012). Following this directive, the Commonwealth Court agreed with the assertion that extending Act 111 coverage to the deputy sheriffs of Allegheny County would violate the Pennsylvania Constitution, holding that 18 Pa.C.S. §103 and 53 Pa.C.S. §2162, to the extent that they designate deputy sheriffs of second-class counties as police officers, do not comport with Article III, Section 32. See Allegheny County Deputy Sheriffs' Ass'n v. PLRB, 68 A.3d 6, 12 (Pa. Cmwlth. 2013).

Before this Court, Allegheny County has joined in the Petition for Allowance of Appeal, asserting that it has at no point challenged the constitutionality of the statutes in question. Moreover, the County advocates for a reversal of the Commonwealth Court's order.

In light of the County's apparent withdrawal of any claim under Article III, Section 32, the order of the Commonwealth Court is **VACATED**. The matter is **REMANDED** to the Commonwealth Court for reversal of the PLRB's order and remand to that entity for processing of Petitioner's certification petition.

The Motion for Leave to File Amicus Statement in Support of the Petitioner is **DISMISSED** as moot.