

[J-134-2000]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

CITY OF PHILADELPHIA,	:	No. 57 E.D. Appeal Docket 1999
	:	
Appellant	:	Appeal from the Order of the
	:	Commonwealth Court at No. 2615 C.D.
	:	1998, dated April 29, 1999, affirming the
v.	:	Order of the Court of Common Pleas of
	:	Philadelphia County, July Term, 1998, No.
	:	162, dated August 21, 1998.
FRATERNAL ORDER OF POLICE,	:	
LODGE NO. 5,	:	728 A.2d 1043 (Pa. Commw. 1999)
	:	
Appellee	:	ARGUED: October 16, 2000
	:	

CONCURRING OPINION

MR. JUSTICE NIGRO

DECIDED: March 22, 2001

I join the majority opinion, but write separately to reiterate my belief that the certiorari review as defined in Pennsylvania State Police v. Pennsylvania State Troopers' Ass'n (Betancourt), 656 A.2d 83 (Pa. 1995), is too narrow. As I stated in my concurring opinion in Pennsylvania State Police v. Pennsylvania State Troopers' Ass'n., 741 A.2d 1248, 1254-55 (Pa. 1999), I would add a fifth area to the Bentancourt scope of review: whether the arbitration decision is repugnant to public policy or shocks the conscience of the court. Since the arbitrator's decision in the instant case does not implicate this additional area of review, however, I agree with the disposition reached by the majority.