

**[J-3-2015] [MO:Baer, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

PHILADELPHIA FIREFIGHTERS' UNION,	:	No. 16 EAP 2014
LOCAL 22, INTERNATIONAL	:	
ASSOCIATION OF FIREFIGHTERS,	:	Appeal from the order of Commonwealth
AFL-CIO BY ITS GUARDIAN AD LITEM	:	Court entered on 09/18/2013 at No. 869
WILLIAM GAULT, PRESIDENT, TIM	:	C.D. 2013 reversing the order entered on
MCSHEA, VICE PRESIDENT, KELVIN	:	05/14/2013, in the Court of Common Pleas,
FONG, VICE PRESIDENT, AND FIRE	:	Civil Division, Philadelphia County at No.
LIEUTENANT ANDREW THOMAS,	:	1039 May Term 2013.
	:	
Appellants	:	ARGUED: March 10, 2015
	:	
v.	:	
	:	
	:	
CITY OF PHILADELPHIA, MAYOR	:	
MICHAEL A. NUTTER, RICHARD	:	
NEGRIN, LLOYD AYERS,	:	
	:	
Appellees	:	

CONCURRING OPINION

MR. JUSTICE STEVENS

DECIDED: July 20, 2015

I write separately to express my concern that the current procedure for promotion of civil service employees, provided for by the existing language of Philadelphia's Home Rule Charter and Civil Service Regulations, does not serve to maintain objectivity in the promotion process, but instead enables the very manipulation of the process that the civil service system was intended to prevent. Re-crafting the Home Rule Charter and the Civil Service Regulations to better prevent the potential for such abuse is not the function of this Court, however. Instead, we must apply the terms of those documents, as written.

The Majority Opinion has accomplished this, and I concur in the result reached by the Majority, which affirms the order of the Commonwealth Court reversing the Court of Common Pleas' grant of mandamus relief to the Philadelphia Firefighters' Union.