

**[J-106-2006]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**WESTERN DISTRICT**

WESTMORELAND INTERMEDIATE UNIT	:	No. 51 WAP 2005
#7,	:	
	:	Appeal from the Order of the
Appellee	:	Commonwealth Court entered June 22,
	:	2005, at No. 1782 C.D. 2004, affirming the
	:	Order of the Court of Common Pleas of
v.	:	Westmoreland County entered August 3,
	:	2004, at No. 4799 of 2003.
	:	
WESTMORELAND INTERMEDIATE UNIT	:	
#7 CLASSROOM ASSISTANTS	:	
EDUCATIONAL SUPPORT PERSONNEL	:	ARGUED: September 11, 2006
ASSOCIATION, PSEA/NEA,	:	
	:	
Appellant	:	

**DISSENTING OPINION**

**MR. JUSTICE EAKIN**

**DECIDED: DECEMBER 27, 2007**

I join the Dissenting Opinion of Mr. Justice Castille. While I have previously recognized the precedence of the core functions exception, I too have no firm opposition to its demise. However, I cannot agree to the sua sponte implementation of a public policy exception which was not raised by the parties and on which we have received no advocacy on either side.