

14 Penn Plaza v. Pyett: Into The Abyss Between Judicial Process and Collectively Bargained Agreements to Arbitrate Individual Statutory Claims]

38 Rutgers L. Rec. 173 (2011) | [WestLaw](#) | [LexisNexis](#) | [PDF](#)

On April 1st, 2009 a bitterly divided United States Supreme Court, by a vote of 5-4, turned the world of labor arbitration on its head. The Court's opinion in *14 Penn Plaza v. Pyett* overturned 35 years of jurisprudence, grounded in *Alexander v. Gardner-Denver Co.* dictum, by establishing that collectively bargained clauses expressly authorizing the arbitration of statutory claims are enforceable, either compelling arbitration or precluding the grant of an award in a judicial action. Grounding their decision, in part, on the prominent *Steelworkers Trilogy* case *United Steelworkers v. Enterprise Wheel*, the Court in *Pyett* narrowed the *Gardner-Denver* Court's view on whether a union can waive a member's right to seek judicial determination of a statutory right.

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