

**RAISING THE MINIMUM WAGE
MORE VALUE FOR ARIZONA WORK**



August 2006

Children's Action Alliance

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Children's Action Alliance (CAA) is a non-profit, non-partisan organization dedicated to promoting the well-being of all of Arizona's children and their families through research, policy development, media campaigns, and advocacy.

RAISING THE MINIMUM WAGE: MORE VALUE FOR ARIZONA WORK

In November, Arizona voters will be asked to decide whether Arizona should adopt its own minimum wage law. The *Raise the Minimum Wage for Working Arizonans Act* calls for setting the minimum wage at \$6.75 an hour effective January 1, 2007, with annual inflation adjustments occurring every January 1. (See the full text of the initiative proposal in Appendix A.)

This paper describes who Arizona's minimum wage workers are, explains why an updated minimum wage is important, and presents evidence that refutes the claim that increasing the minimum wage will weaken job growth.

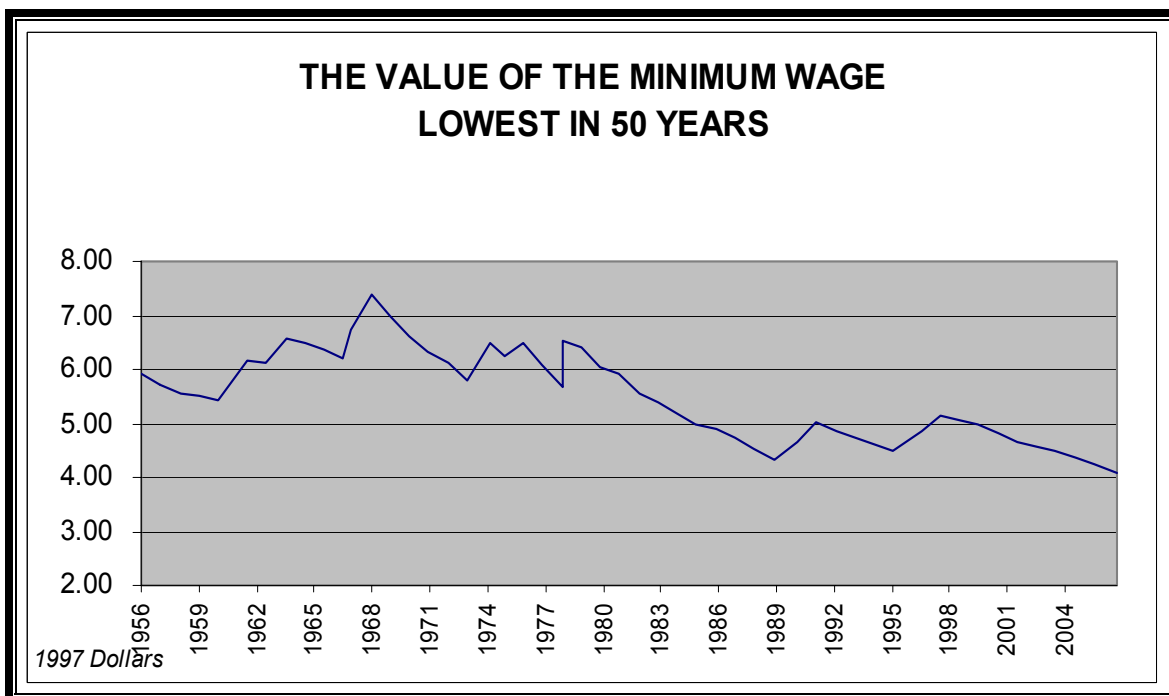
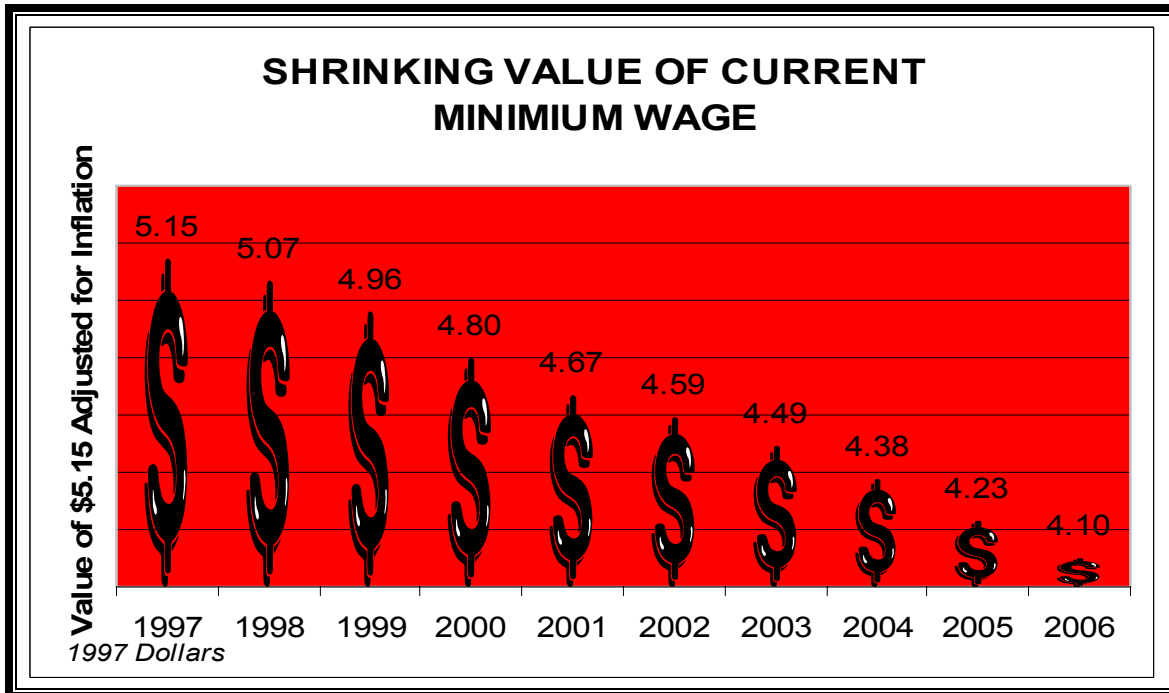
MINIMUM WAGE TRENDS AND FACTS

- ✓ 303,000 Arizona workers would benefit from a change in the minimum wage.
- ✓ While women make up 46% of the Arizona workforce, they make up 57% of those who would receive a pay increase as a result of a change in the minimum wage.
- ✓ 78% of the Arizona workers who would benefit from the change are 20 years old and older.
- ✓ Minimum wage workers provide the majority of income for their families. In fact, the minimum wage provides the sole income for more than half (54%) of households with a minimum wage worker.
- ✓ The majority of workers (60%) affected by the minimum wage work full time (35 or more hours per week).
- ✓ 112,000 affected Arizona workers are married and 97,000 are parents.
- ✓ Arizona has the widest income gap in the nation. The average income of the top 5% of Arizona families is 14 times greater than the average income for the bottom 20% of families.
- ✓ 200,000 Arizona children live in families that would receive increased paychecks as a result of a change in the minimum wage.

NOTE: All data used in this report was provided by the Economic Policy Institute, Washington, D.C., unless otherwise noted.

VALUE OF THE FEDERAL MINIMUM WAGE IS SHRINKING

Arizona currently operates under the federal minimum wage of \$5.15 per hour, which has not changed since 1997. Each year since then, inflation has eaten away at the value of \$5.15. As a result, minimum wage workers' purchasing power today is 20% less than it was in 1997. In fact, the purchasing power of the federal minimum wage is the lowest in 50 years.



MINIMUM WAGE MOVING UP STATE BY STATE

Although Congress periodically debates the need to increase the federal minimum wage, no change has occurred in almost nine years. As a result, twenty-two states plus the District of Columbia have set minimum wages above the federal minimum wage level, and five states in addition to Arizona (Nevada, Ohio, Colorado, Missouri and Montana) will vote later this year on establishing their own rates.

STATES WITH A MINIMUM WAGE ABOVE THE FEDERAL AMOUNT			
State	Minimum Wage	State	Minimum Wage
Alaska	7.15	Massachusetts	6.75
Arkansas	6.25	Michigan	6.95
California	6.75	Minnesota	6.15
Connecticut	7.65 effective 1/1/07	New Jersey	7.15 effective 10/1/06
Delaware	6.15	Nevada	6.15*
Washington DC	7.00	New York	7.15 effective 1/1/07
Florida	6.40	North Carolina	6.15 effective 1/1/07
Hawaii	7.25 effective 1/1/07	Oregon	7.50
Illinois	6.50	Rhode Island	6.75
Maine	6.50	Vermont	6.25
Maryland	6.15	Washington	7.63
		Wisconsin	6.50
*Nevada voters must vote twice on constitutional amendments. The second vote occurs in November 2006.			

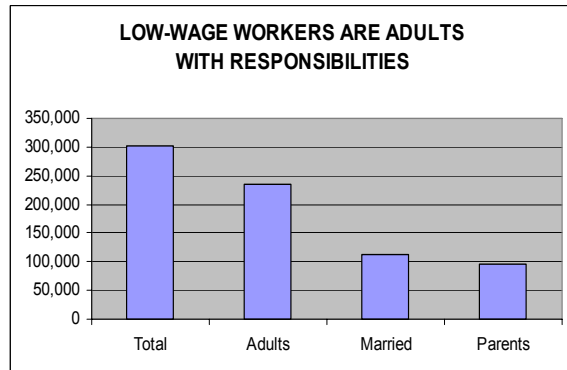
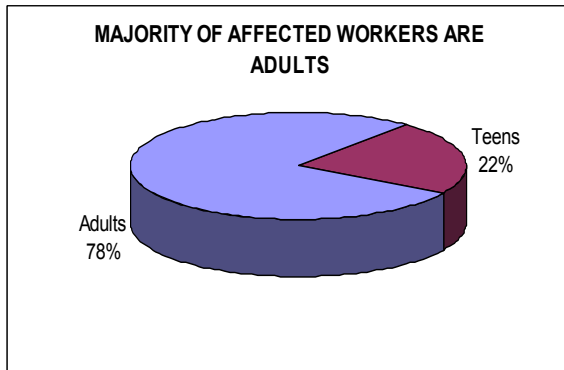
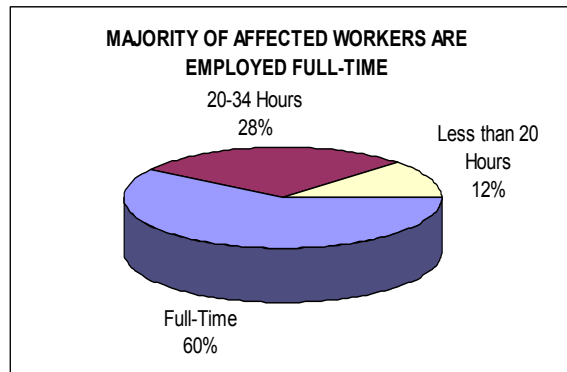
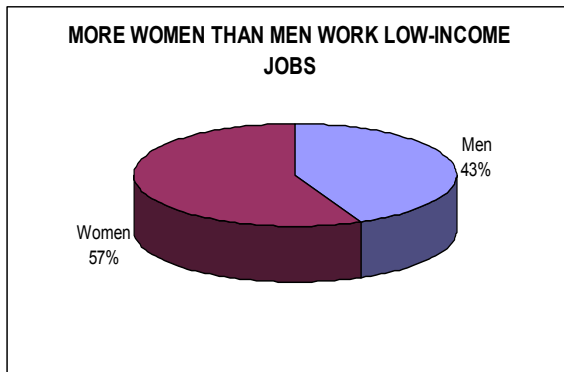
Source: U.S. Department of Labor

WHO BENEFITS FROM A HIGHER MINIMUM WAGE?

Establishing an Arizona minimum wage at \$6.75 would increase the hourly rate of an estimated 303,000 Arizona workers. This includes 106,000 workers who would be directly affected by a change in the minimum wage – they earn between the current rate of \$5.15 and the proposed rate of \$6.75. Another 197,000 workers would be indirectly affected. These are workers who earn within a few dollars above the proposed minimum wage. While a raise is not legally mandated for these workers, empirical evidence shows that many employers raise the wages of these workers earning above the new minimum wage in order to keep internal wage structures. This occurrence is known as the “spillover effect.”

Adult Women Working Full-Time Most Affected by Minimum Wage

A common assertion is that minimum wage jobs are held largely by teenagers, part-time workers, or other individuals new to the employment scene and that adults garner a higher hourly rate. This is false. The typical minimum wage worker is an adult woman working full-time. More than 3 out of 4 Arizonans who would benefit from an increase in the minimum wage are adults. More than half of these workers work full-time, while another fourth work between 20 and 34 hours per week. A third of the 303,000 Arizona workers who would benefit from an increase in the minimum wage are parents.



Minimum Wage Benefits Workers in Many Industries

Workers in the retail trade and leisure and hospitality industries comprise nearly half of the workers who would benefit from an increase in the minimum wage. Workers in many other industries would also be affected. These include real estate, health care, education, agriculture, finance and insurance. Examples of occupations affected are:

INCREASING THE MINIMUM WAGE BENEFITS WORKERS IN MANY OCCUPATIONS

Occupational Title	10th Percentile Wage*
Gaming dealers	\$5.43
Dining room and cafeteria attendants and bartender helpers	\$5.48
Waiters and waitresses	\$5.50
Food preparation and serving workers, including fast food	\$5.58
Farmworkers and laborers	\$5.58
Packers and packagers	\$5.60
Dishwashers	\$5.62
Hosts and hostesses, restaurant, lounge and coffee shop	\$5.65
Shoe and leather workers and repairers	\$5.65
Driver/sales workers	\$5.66
Cooks, fast food	\$5.68
Agricultural equipment operators	\$5.71
Baggage porters and bellhops	\$5.72
Pressers, textile, garment and related materials	\$5.73
Maids and housekeeping cleaners	\$5.78
Child care workers	\$5.80
Dietetic technicians	\$5.86
Sewing machine operators	\$5.90
Food preparation and serving related workers	\$5.92
Counter and rental clerks	\$5.93
Carpet installers	\$5.94
Janitors and cleaners	\$5.97
Hairdressers, hairstylists and cosmetologists	\$5.98
Laundry and dry-cleaning workers	\$6.02
Cooks, short order	\$6.07
Cashiers	\$6.14
Machine feeders and offbearers	\$6.15
Hotel, motel and resort clerks	\$6.18
Manicurists and pedicurists	\$6.20
Veterinary assistants and laboratory animal caretakers	\$6.28
Laborers and freight, stock and material movers	\$6.40
Service station attendants	\$6.44
Floor sanders and finishers	\$6.46
Fabric and apparel patternmakers	\$6.49
Landscaping and groundskeeping workers	\$6.50
Retail salespersons	\$6.55
Bicycle repairers	\$6.67
Computer operators	\$6.68
Office machine operators	\$6.70
Floor layers	\$6.71
File clerks	\$6.72
Helpers – production workers	\$6.72
Police, fire and ambulance dispatchers	\$6.73

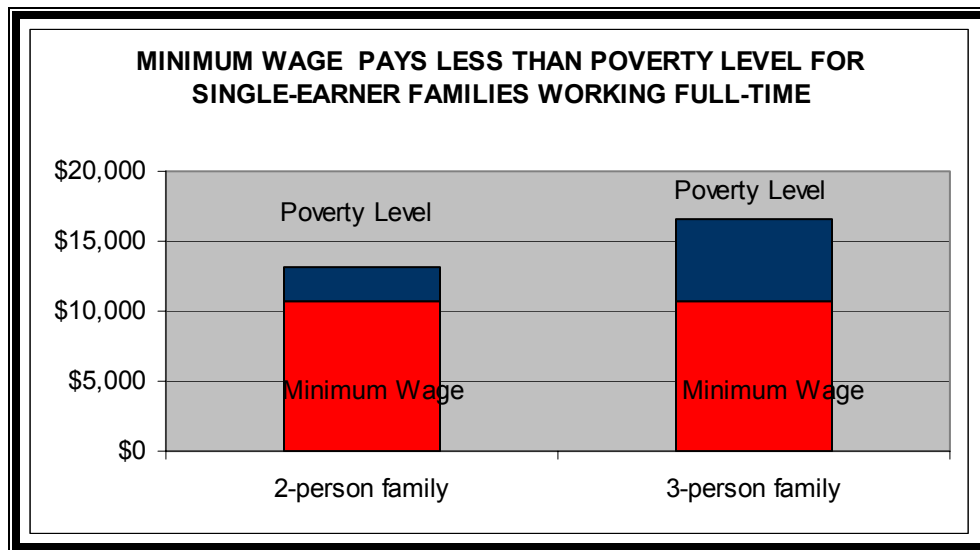
*The 10th percentile means that 10% of those employed in the occupation are paid this rate or less.
 Source: Arizona Department of Economic Security 2005 Occupational Employment and Hourly Wage Estimates

WHAT ARE THE BENEFITS OF A HIGHER MINIMUM WAGE?

The minimum wage is based on the principle that work should be valued and that full-time work should result in “making a living.” Without the protection of a minimum wage, most unskilled workers would be unable to support themselves, let alone a family.

Today’s Minimum Wage Leaves Hardworking Families in Poverty

Today, Arizona families that rely solely on minimum wage jobs are likely to fall under the poverty level.



Based on 2006 Federal Poverty Guidelines

An Updated Minimum Wage Fuels the American Work Ethic

The minimum wage is also an important tool in making welfare reform succeed. Prior to welfare reform in the late 1990s, many poor families did not have anyone who had a job. Now, welfare reform provisions such as time-limited benefits and work requirements have moved thousands of poor families across the state from welfare to work. These families are usually at the bottom of the wage scale. If they are unable to support themselves by working, they will be forced to turn back to welfare.

A study of the 1999 minimum wage increase in Oregon found that as many as one-half of welfare recipients who entered the workforce the previous year were likely to receive a raise due to the change in minimum wage.¹

Minimum Wage Makes a Big Difference in Family Income

Increasing the minimum wage can mean an important income boost for many Arizona families. For families that have one or more workers who would be affected by a minimum wage increase, those workers contribute an average two-thirds of their families' weekly earnings. In fact, more than half (54%) of affected families rely on those workers for all of their weekly earnings.

The purchasing power of the current minimum wage is so low that those who are paid this rate must be subsidized in some way. Whether a young adult who continues to live in his parents' home or the single mother who relies on Food Stamps and child care, few could survive on a minimum wage job alone.

Low Wages Harm Children

An estimated 200,000 Arizona children live in households that would be impacted by a change in the minimum wage. For these children, an increase in the minimum wage can mean moving out of poverty. Children in poverty have less access to material resources such as food, shelter and health care. They also have less access to community resources such as good schools and safe neighborhoods. They tend to move often, which causes disruption in their education and their social connections.

Compared to children whose families have higher incomes, children in poverty are:

- More than three times likely to have poor health.²
- Five times more likely to die from an infectious disease.³
- A third more likely to have asthma.⁴
- 1.3 times more likely to have developmental delays or learning disabilities.⁵
- At least twice as likely as non-poor children to be kept back in school.⁶

Children in poverty are more likely to be unprepared for primary school. This "school unreadiness" impacts these students long after kindergarten.⁷ National statistics show that half the children who start kindergarten behind their peers will not meet standard reading proficiency by the time they reach fourth grade.⁸

Poverty impacts the child's home life as well. Low-income parents may need to alternate paying bills, risk utility cutoffs or eviction, move into substandard housing, or skip meals so their children will be able to eat. Parental depression is twice as common among low-income parents. Depression combined with poverty often results in homelessness, lack of medical care, unreliable or unsafe child care and, in some cases, placement of the child into foster care.⁹

ARE THERE ANY RISKS TO RAISING THE MINIMUM WAGE?

An Updated Minimum Wage Benefits U.S. Citizens

Some opponents of the minimum wage increase argue that increasing hourly wages for unskilled workers will attract more illegal immigrants to our state. Documenting this belief, however, is impossible, as virtually no employers would be willing to state that they knowingly hire employees who do not have the legal right to work in the United States.

- ⇒ The minimum wage increase would benefit 211,000 working U.S. citizens in Arizona and thousands of others who have followed all laws to work in this country legally.
- ⇒ It is both unfair and harmful to punish hardworking Americans and Arizonans with lower wages due to the occurrence of illegal immigration.
- ⇒ Employers who follow employment laws will also follow any requirement for an increased minimum wage in Arizona. Employers who knowingly hire illegal immigrants would likely ignore minimum wage laws as well.
- ⇒ With U.S. wages as much as 10 times greater than Mexican wages, the attraction of higher wages north of the border exists whether or not the minimum wage is increased. ¹⁰

An Updated Minimum Wage Does Not Weaken Job Growth

The most common argument against increasing the minimum wage is that it will lead to a loss in jobs, particularly in small businesses. Research and experience with minimum wage increases around the country provide no evidence that this is true. A wide range of studies have shown that minimum wage increases in the range proposed in Arizona do not result in a loss of jobs.

A study published earlier this year by the Fiscal Policy Institute in New York finds that employment and payrolls in small businesses grew faster in states with minimum wages above the federal level than in those states that paid at the \$5.15 rate. ¹¹

Growth Among Small Businesses 1998-2003 Higher Minimum Wage States vs. \$5.15 Wage States		
	10 Higher Minimum Wage States (plus D.C.)*	40 States with \$5.15 Minimum Wage
Number of establishments	5.4%	4.2%
Number of employees	6.7%	5.3%
Annual payroll	24.5%	21.2%
Average payroll per worker	16.7%	15.1%

NOTE: Small business includes establishments with fewer than 50 employees

*Alaska, California, Connecticut, Delaware, Hawaii, Massachusetts, Oregon, Rhode Island, Vermont, and Washington

Source: Fiscal Policy Institute, New York, March 30, 2006

Looking specifically at small retail businesses, the results again show more favorable conditions in the 10 states paying above the federal minimum wage level. In fact, the number of establishments decreased in the 40 states that did not have a higher minimum wage.

	10 Higher Minimum Wage States (plus D.C.)*	40 States with \$5.15 Minimum Wage
Number of establishments	0.6%	-0.3%
Number of employees	4.1%	2.6%
Annual payroll	19.7%	16.9%
Average payroll per worker	15.0%	13.9%

NOTE: Small business includes establishments with fewer than 50 employees

*Alaska, California, Connecticut, Delaware, Hawaii, Massachusetts, Oregon, Rhode Island, Vermont, and Washington

Source: Fiscal Policy Institute, New York, March 30, 2006.

Repeated studies have failed to find any significant job loss when the minimum wage is increased. Higher wages were not offset by reducing the number of hours worked. In fact, unemployment and poverty rates decreased after the last federal minimum wage increase.¹² An increase in wages stabilizes the workforce. An extensive study conducted by the Institute of Industrial Relations when the city of San Francisco implemented a living wage at the San Francisco Airport found that turnover dropped dramatically and worker effort improved. Employers increased worker training. As a result, the cost of the increased wages was offset by reduced turnover costs and increased productivity.¹³

AMERICANS AND ARIZONANS SUPPORT A HIGHER MINIMUM WAGE

Increasing the minimum wage has widespread support. A study conducted in 2005 by the Pew Research Center indicates 82 percent of Americans identified increasing the minimum wage as an important priority.¹⁴

Many economists also support a higher minimum wage. Two years ago, 556 economists, including four Nobel Laureates, endorsed an effort to increase the federal minimum wage to \$7.00 per hour. "As with a federal increase, modest increases in state minimum wages in the range of \$1.00 to \$2.00 can significantly improve the lives of low-income workers and their families, without the adverse effects that critics have claimed." (A copy of the letter and signatories is included in Appendix B.)

Even small business owners, often thought to oppose increases to the minimum wage, tend to support an increase. According to a survey conducted by the Gallup Organization in May 2006, 86 percent of small business owners do not believe that an increase in the minimum wage

would hurt their business and nearly half of small business people polled thought that the minimum wage *should* be increased.¹⁵

In Arizona, a poll conducted by Northern Arizona University in March 2006 revealed that 81% of Arizona registered voters would vote "yes" to increase the minimum wage.

CONCLUSION

Nearly seventy years ago, our nation's leaders realized the importance of establishing a minimum wage for a nation coming out of the Great Depression. The minimum wage is still important today – as an indicator that we value work no matter what it is and as a means to build a stable workforce and healthier families. This November, Arizonans have the opportunity to raise the minimum wage in Arizona to improve fairness, reward hard work, and help 300,000 Arizona workers earn a more decent living for their families.

¹ "Minimum Wage Issue Guide," Economic Policy Institute, January 2006.

² Free the Children, www.freethechildren.org/youthinaction/child_poverty_usa.htm.

³ Free the Children, www.freethechildren.org/youthinaction/child_poverty_usa.htm.

⁴ Child Trends Data Bank, www.childtrendsdatatabank.org/pdf/43_PDA.pdf.

⁵ Jeanne Brooks-Gunn and Greg J. Duncan, "The Effects of Poverty on Children," *Future of Children*, Volume 7, Number 2, Summer/Fall 1997.

⁶ "Increasing the Minimum Wage: An Issue of Children's Well-Being," Children's Defense Fund, March 2005.

⁷ "School Readiness Starts with Economic Security," National Center for Children in Poverty, *News and Issues*, Fall, 2002.

⁸ Elaine Zimmerman, "Connecticut Leads the Way with School Readiness and Early Reading Success," Connecticut Commission on Children, 2003.

⁹ Sharmila Lawrence, Michelle Chau, Mary Clare Lennon, "Depression, Substance Abuse, and Domestic Violence," National Center for Children in Poverty, June 2004.

¹⁰ "Mexico's Wage Gap Charts," *The Jus Semper Global Alliance*, November 2005.

¹¹ "State with Minimum Wages above the Federal Level have had Faster Small Business and Retail Job Growth" Fiscal Policy Institute, March 30, 2006.

¹² Jared Bernstein and John Schmitt. "Making Work Pay: The Impact of the 1996-1997 Minimum Wage Increase." Economic Policy Institute. 1998; Ron Baiman, Marc Doussard, Sharon Mastracci, Joe Persky, Nik Theodore. "Raising and Maintaining the Value of the State Minimum Wage: An Economic Impact Study of Illinois" Center for Urban Economic Development, University of Illinois at Chicago. March 2003; David Card and Alan B. Krueger. *Myth and Measurement: The New Economics of the Minimum Wage*. Princeton University Press: 1995.

¹³ Michael Reich, Peter Hall, Jen Jacobs, "Living Wages and Economic Performance: The San Francisco Airport Model," Institute of Industrial Relations, University of California, Berkeley, March 2003.

¹⁴ Telephone interviews conducted under the direction of Princeton Survey Research Associates International from January 5-9, 2005, reported by The Pew Research Center for The People & The Press, January 13, 2005.

¹⁵ "Minimum Wage Has No Impact on Small Business - Wells Fargo-Gallup Small Business Index shows nearly half support increasing the minimum wage," Gallup Poll, 5/15/2006.

APPENDIX A

BALLOT INITIATIVE

APPENDIX A

RAISE THE MINIMUM WAGE FOR WORKING ARIZONANS ACT

REPEALING SECTION 23-362, AMENDING BY ADDING NEW SECTION 23-362 RELATING TO THE ARIZONA MINIMUM WAGE ACT

Be it enacted by the People of Arizona.

Section 1. This act may be cited as the “Raise the Minimum Wage for Working Arizonans Act”

Section 2. Purpose and intent

The People of the State of Arizona hereby make the following findings and declare their purpose in enacting this Act is as follows:

Article 8. Minimum Wage

The People of the State of Arizona hereby make the following findings and declare their purpose in enacting this Act is as follows:

1. All working Arizonans deserve to be paid a minimum wage that is sufficient to give them a fighting chance to provide for their families.
2. 70% of Arizona workers earning the minimum wage are adults.
3. More than 145,000 working Arizonans will benefit by increasing the minimum wage, half of whom are working women struggling to live on less than \$11,000 per year.
4. Increasing the minimum wage reduces dependency on taxpayer-funded public services

23-362. DEFINITIONS

AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

A. “EMPLOYEE” MEANS ANY PERSON WHO IS OR WAS EMPLOYED BY AN EMPLOYER BUT DOES NOT INCLUDE ANY PERSON WHO IS EMPLOYED BY A PARENT OR A SIBLING, OR WHO IS EMPLOYED PERFORMING BABYSITTING SERVICES IN THE EMPLOYER’S HOME ON A CASUAL BASIS.

B. “EMPLOYER” INCLUDES ANY CORPORATION, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, TRUST, ASSOCIATION, POLITICAL SUBDIVISION OF THE STATE, INDIVIDUAL OR OTHER ENTITY ACTING DIRECTLY OR INDIRECTLY IN THE INTEREST OF AN EMPLOYER IN RELATION TO AN EMPLOYEE, BUT DOES NOT INCLUDE THE STATE OF ARIZONA, THE UNITED STATES, OR A SMALL BUSINESS.

C. “SMALL BUSINESS” MEANS ANY CORPORATION, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, TRUST, OR ASSOCIATION THAT HAS LESS THAN FIVE HUNDRED THOUSAND DOLLARS IN GROSS ANNUAL REVENUE AND THAT IS EXEMPT FROM HAVING TO PAY A MINIMUM WAGE UNDER SECTION 206(A) OF

TITLE 29 OF THE UNITED STATES CODE.

D. "EMPLOY" INCLUDES TO SUFFER OR PERMIT TO WORK; WHETHER A PERSON IS AN INDEPENDENT CONTRACTOR OR AN EMPLOYEE SHALL BE DETERMINED ACCORDING TO THE STANDARDS OF THE FEDERAL FAIR LABOR STANDARDS ACT, BUT THE BURDEN OF PROOF SHALL BE UPON THE PARTY FOR WHOM THE WORK IS PERFORMED TO SHOW INDEPENDENT CONTRACTOR STATUS BY CLEAR AND CONVINCING EVIDENCE.

E. "WAGE" MEANS MONETARY COMPENSATION DUE TO AN EMPLOYEE BY REASON OF EMPLOYMENT, INCLUDING AN EMPLOYEE'S COMMISSIONS, BUT NOT TIPS OR GRATUITIES.

F. "LAW ENFORCEMENT OFFICER" MEANS THE ATTORNEY GENERAL, A CITY ATTORNEY, A COUNTY ATTORNEY OR A TOWN ATTORNEY.

G. "COMMISSION" MEANS THE INDUSTRIAL COMMISSION OF ARIZONA, ANY SUCCESSOR AGENCY, OR SUCH OTHER AGENCY AS THE GOVERNOR SHALL DESIGNATE TO IMPLEMENT THIS ARTICLE.

23-363. MINIMUM WAGE

A. EMPLOYERS SHALL PAY EMPLOYEES NO LESS THAN THE MINIMUM WAGE, WHICH SHALL BE SIX DOLLARS AND SEVENTY-FIVE CENTS (\$6.75) AN HOUR BEGINNING ON JANUARY 1, 2007.

B. THE MINIMUM WAGE SHALL BE INCREASED ON JANUARY 1, 2008 AND ON JANUARY 1 OF SUCCESSIVE YEARS BY THE INCREASE IN THE COST OF LIVING. THE INCREASE IN THE COST OF LIVING SHALL BE MEASURED BY THE PERCENTAGE INCREASE AS OF AUGUST OF THE IMMEDIATELY PRECEDING YEAR OVER THE LEVEL AS OF AUGUST OF THE PREVIOUS YEAR OF THE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS, U.S. CITY AVERAGE FOR ALL ITEMS) OR ITS SUCCESSOR INDEX AS PUBLISHED BY THE U.S. DEPARTMENT OF LABOR OR ITS SUCCESSOR AGENCY, WITH THE AMOUNT OF THE MINIMUM WAGE INCREASE ROUNDED TO THE NEAREST MULTIPLE OF FIVE CENTS.

C. FOR ANY EMPLOYEE WHO CUSTOMARILY AND REGULARLY RECEIVES TIPS OR GRATUITIES FROM PATRONS OR OTHERS, THE EMPLOYER MAY PAY A WAGE UP TO \$3.00 PER HOUR LESS THAN THE MINIMUM WAGE IF THE EMPLOYER CAN ESTABLISH BY ITS RECORDS OF CHARGED TIPS OR BY THE EMPLOYEE'S DECLARATION FOR FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA) PURPOSES THAT FOR EACH WEEK, WHEN ADDING TIPS RECEIVED TO WAGES PAID, THE EMPLOYEE RECEIVED NOT LESS THAN THE MINIMUM WAGE FOR ALL HOURS WORKED. COMPLIANCE WITH THIS PROVISION WILL BE DETERMINED BY AVERAGING TIPS RECEIVED BY THE EMPLOYEE OVER THE COURSE OF THE EMPLOYER'S PAYROLL PERIOD OR ANY OTHER PERIOD SELECTED BY THE EMPLOYER THAT COMPLIES WITH REGULATIONS ADOPTED BY THE COMMISSION.

23-364. ENFORCEMENT

A. THE COMMISSION IS AUTHORIZED TO ENFORCE AND IMPLEMENT THIS ARTICLE AND MAY PROMULGATE REGULATIONS CONSISTENT WITH THIS ARTICLE TO DO SO.

B. NO EMPLOYER OR OTHER PERSON SHALL DISCHARGE OR TAKE ANY OTHER ADVERSE ACTION AGAINST ANY PERSON IN RETALIATION FOR ASSERTING ANY CLAIM OR RIGHT UNDER THIS ARTICLE, FOR ASSISTING ANY OTHER PERSON IN DOING SO, OR FOR INFORMING ANY PERSON ABOUT THEIR RIGHTS. TAKING ADVERSE ACTION AGAINST A PERSON WITHIN NINETY DAYS OF A PERSON'S ENGAGING IN THE FOREGOING ACTIVITIES SHALL RAISE A PRESUMPTION THAT SUCH ACTION WAS RETALIATION, WHICH MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT SUCH ACTION WAS TAKEN FOR OTHER PERMISSIBLE REASONS.

C. ANY PERSON OR ORGANIZATION MAY FILE AN ADMINISTRATIVE COMPLAINT WITH THE COMMISSION CHARGING THAT AN EMPLOYER HAS VIOLATED THIS ARTICLE AS TO ANY EMPLOYEE OR OTHER PERSON. WHEN THE COMMISSION RECEIVES A COMPLAINT, THE COMMISSION MAY REVIEW RECORDS REGARDING ALL EMPLOYEES AT THE EMPLOYER'S WORKSITE IN ORDER TO PROTECT THE IDENTITY OF ANY EMPLOYEE IDENTIFIED IN THE COMPLAINT AND TO DETERMINE WHETHER A PATTERN OF VIOLATIONS HAS OCCURRED. THE NAME OF ANY EMPLOYEE IDENTIFIED IN A COMPLAINT TO THE COMMISSION SHALL BE KEPT CONFIDENTIAL AS LONG AS POSSIBLE. WHERE THE COMMISSION DETERMINES THAT AN EMPLOYEE'S NAME MUST BE DISCLOSED IN ORDER TO INVESTIGATE A COMPLAINT FURTHER, IT MAY SO DO ONLY WITH THE EMPLOYEE'S CONSENT.

D. EMPLOYERS SHALL POST NOTICES IN THE WORKPLACE, IN SUCH FORMAT SPECIFIED BY THE COMMISSION, NOTIFYING EMPLOYEES OF THEIR RIGHTS UNDER THIS ARTICLE. EMPLOYERS SHALL PROVIDE THEIR BUSINESS NAME, ADDRESS, AND TELEPHONE NUMBER IN WRITING TO EMPLOYEES UPON HIRE. EMPLOYERS SHALL MAINTAIN PAYROLL RECORDS SHOWING THE HOURS WORKED FOR EACH DAY WORKED, AND THE WAGES PAID TO ALL EMPLOYEES FOR A PERIOD OF FOUR YEARS. FAILURE TO DO SO SHALL RAISE A REBUTTABLE PRESUMPTION THAT THE EMPLOYER DID NOT PAY THE REQUIRED MINIMUM WAGE RATE. THE COMMISSION MAY BY REGULATION REDUCE OR WAIVE THE RECORDKEEPING AND POSTING REQUIREMENTS HEREIN FOR ANY CATEGORIES OF SMALL EMPLOYERS WHOM IT FINDS WOULD BE UNREASONABLY BURDENED BY SUCH REQUIREMENTS. EMPLOYERS SHALL PERMIT THE COMMISSION OR A LAW ENFORCEMENT OFFICER TO INSPECT AND COPY PAYROLL OR OTHER BUSINESS RECORDS, SHALL PERMIT THEM TO INTERVIEW EMPLOYEES AWAY FROM THE WORKSITE, AND SHALL NOT HINDER ANY INVESTIGATION. SUCH INFORMATION PROVIDED SHALL KEEP CONFIDENTIAL EXCEPT AS IS REQUIRED TO PROSECUTE VIOLATIONS OF THIS ARTICLE. EMPLOYERS SHALL PERMIT AN EMPLOYEE OR HIS OR HER DESIGNATED REPRESENTATIVE TO INSPECT AND COPY PAYROLL RECORDS PERTAINING TO THAT EMPLOYEE.

E. A CIVIL ACTION TO ENFORCE THIS ARTICLE MAY BE MAINTAINED IN A COURT OF COMPETENT JURISDICTION BY A LAW ENFORCEMENT OFFICER OR BY ANY PRIVATE PARTY INJURED BY A VIOLATION OF THIS ARTICLE.

F. ANY EMPLOYER WHO VIOLATES RECORDKEEPING, POSTING, OR OTHER REQUIREMENTS THAT THE COMMISSION MAY ESTABLISH UNDER THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY OF AT LEAST \$250 DOLLARS FOR A FIRST VIOLATION, AND AT LEAST \$1000 DOLLARS FOR EACH SUBSEQUENT OR WILLFUL VIOLATION AND MAY, IF THE COMMISSION OR COURT DETERMINES APPROPRIATE, BE SUBJECT TO SPECIAL MONITORING AND INSPECTIONS.

G. ANY EMPLOYER WHO FAILS TO PAY THE WAGES REQUIRED UNDER THIS ARTICLE SHALL BE REQUIRED TO PAY THE EMPLOYEE THE BALANCE OF THE WAGES OWED, INCLUDING INTEREST THEREON, AND AN ADDITIONAL AMOUNT EQUAL TO TWICE THE UNDERPAID WAGES. ANY EMPLOYER WHO RETALIATES AGAINST AN EMPLOYEE OR OTHER PERSON IN VIOLATION OF THIS ARTICLE SHALL BE REQUIRED TO PAY THE EMPLOYEE AN AMOUNT SET BY THE COMMISSION OR A COURT SUFFICIENT TO COMPENSATE THE EMPLOYEE AND DETER FUTURE VIOLATIONS, BUT NOT LESS THAN ONE HUNDRED FIFTY DOLLARS FOR EACH DAY THAT THE VIOLATION CONTINUED OR UNTIL LEGAL JUDGMENT IS FINAL. THE COMMISSION AND THE COURTS SHALL HAVE THE AUTHORITY TO ORDER PAYMENT OF SUCH UNPAID WAGES, OTHER AMOUNTS, AND CIVIL PENALTIES AND TO ORDER ANY OTHER APPROPRIATE LEGAL OR EQUITABLE RELIEF FOR VIOLATIONS OF THIS ARTICLE. CIVIL PENALTIES SHALL BE RETAINED BY THE AGENCY THAT RECOVERED THEM AND USED TO FINANCE ACTIVITIES TO ENFORCE THIS ARTICLE. A PREVAILING PLAINTIFF SHALL BE ENTITLED TO REASONABLE ATTORNEY'S FEES AND COSTS OF SUIT.

H. A CIVIL ACTION TO ENFORCE THIS ARTICLE MAY BE COMMENCED NO LATER THAN TWO YEARS AFTER A VIOLATION LAST OCCURS, OR THREE YEARS IN THE CASE OF A WILLFUL VIOLATION, AND MAY ENCOMPASS ALL VIOLATIONS THAT OCCURRED AS PART OF A CONTINUING COURSE OF EMPLOYER CONDUCT REGARDLESS OF THEIR DATE. THE STATUTE OF LIMITATIONS SHALL BE TOLLED DURING ANY INVESTIGATION OF AN EMPLOYER BY THE COMMISSION OR OTHER LAW ENFORCEMENT OFFICER, BUT SUCH INVESTIGATION SHALL NOT BAR A PERSON FROM BRINGING A CIVIL ACTION UNDER THIS ARTICLE. NO VERBAL OR WRITTEN AGREEMENT OR EMPLOYMENT CONTRACT MAY WAIVE ANY RIGHTS UNDER THIS ARTICLE.

I. THE LEGISLATURE MAY BY STATUTE RAISE THE MINIMUM WAGE ESTABLISHED UNDER THIS ARTICLE, EXTEND COVERAGE, OR INCREASE PENALTIES. A COUNTY, CITY, OR TOWN MAY BY ORDINANCE REGULATE MINIMUM WAGES AND BENEFITS WITHIN ITS GEOGRAPHIC BOUNDARIES BUT MAY NOT PROVIDE FOR A MINIMUM WAGE LOWER THAN THAT PRESCRIBED IN THIS ARTICLE. STATE AGENCIES, COUNTIES, CITIES, TOWNS AND OTHER POLITICAL SUBDIVISIONS OF THE STATE MAY CONSIDER VIOLATIONS OF THIS ARTICLE IN DETERMINING WHETHER EMPLOYERS MAY RECEIVE OR RENEW PUBLIC CONTRACTS, FINANCIAL ASSISTANCE OR LICENSES. THIS ARTICLE SHALL BE LIBERALLY CONSTRUED IN FAVOR OF ITS PURPOSES AND SHALL NOT LIMIT THE AUTHORITY OF THE LEGISLATURE OR ANY OTHER BODY TO ADOPT ANY LAW OR POLICY THAT REQUIRES PAYMENT OF HIGHER OR SUPPLEMENTAL WAGES OR BENEFITS, OR THAT EXTENDS SUCH PROTECTIONS TO EMPLOYERS OR EMPLOYEES NOT COVERED BY THIS ARTICLE.

Section 4. Severability

If any part of this law, or the application of the law to any person or circumstance, is held invalid, the remainder of this law, including the application of such part to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the parts of this law are severable.

Section 5. Effective Date

This article shall take effect January 1, 2007.

APPENDIX B

ECONOMISTS STATEMENT IN SUPPORT OF INCREASING THE MINIMUM WAGE

APPENDIX B

Hundreds of Economists Support a Minimum Wage Increase

The minimum wage has been an important part of our nation's economy for 65 years. It is based on the principle of valuing work by establishing an hourly wage floor beneath which employers cannot pay their workers. In so doing, the minimum wage helps to equalize the imbalance in bargaining power that low-wage workers face in the labor market. The minimum wage is also an important tool in fighting poverty.

The value of the 1997 increase in the federal minimum wage has been fully eroded. The real value of today's federal minimum wage is less than it has been in 46 out of the last 48 years. Moreover, the ratio of the minimum wage to the average hourly wage of non-supervisory workers is 33%, its lowest level in 55 years. This decline is causing hardship for low-wage workers and their families. We believe that a modest increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed. In particular, we share the view the Council of Economic Advisers expressed in the *1999 Economic Report of the President* that "the weight of the evidence suggests that modest increases in the minimum wage have had very little or no effect on employment." While controversy about the precise employment effects of the minimum wage continues, research has shown that most of the beneficiaries are adults, most are female, and the vast majority are members of low-income working families. As economists who are concerned about the problems facing low-wage workers, we believe the Fair Minimum Wage Act of 2004's proposed phased-in increase in the federal minimum wage to \$7.00 falls well within the range of options where the benefits to the labor market, workers, and the overall economy would be positive. Twelve states and the District of Columbia have set their minimum wages above the federal level. Additional states, including Florida, Nevada, and New York, are considering similar measures. As with a federal increase, modest increases in state minimum wages in the range of \$1.00 to \$2.00 can significantly improve the lives of low-income workers and their families, without the adverse effects that critics have claimed.

Henry Aaron The Brookings Institution

Rebecca Blank University of Michigan

Ronald G. Ehrenberg Cornell University

Clive Granger* University of California — San Diego

Lawrence F. Katz Harvard University

Lawrence R. Klein*† University of Pennsylvania

Frank Levy Massachusetts Institute of Technology

Lawrence Mishel Economic Policy Institute

Paul A. Samuelson*† Massachusetts Institute of Technology

Robert M. Solow*† Massachusetts Institute of Technology

552 other economists agree.* indicates Nobel Laureates. † indicates past presidents of the American Economic Association.

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as the official view of any of the institutions listed.

Economists Supporting Increase in Minimum Wage

Frank Ackerman Global Development and Environment Institute – Tufts University **Irma Adelman** University of California – Berkeley **Randy Albelda** University of Massachusetts – Boston **Robert J. Alexander** Rutgers University **Marcus Alexis** Northwestern University **Sylvia Allegretto** Economic Policy Institute **Gar Alperovitz** University of Maryland – College Park **Teresa L. Amott** Gettysburg College **Alice Amsden** Massachusetts Institute of Technology **Bernard E. Anderson** University of Pennsylvania **Robert M. Anderson** University of California – Berkeley **Eileen Appelbaum** Rutgers University **Robert K. Arnold** Institute of Regional and Urban Studies **David D. Arsen** Michigan State University **Enid Arvidson** University of Texas – Arlington **Michael Ash** University of Massachusetts **Glen Atkinson** University of Nevada – Reno **Alice Audie-Figueroa** United Automobile Workers **Robert Axtell** The Brookings Institution and Middlebury College **M.V. 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