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May 30, 2006

Via Facsimile (415) 703-5059 & U.S. Mail

Bill Dombrowski
Chairman, Industrial Welfare Commission
C/o John Rae, Acting Director
Department of Industrial Relations
455 Golden Gate Avenue
San Francisco, CA 94102

RE: **Petition to Raise and Index the Minimum Wage**

Dear Chairman Dombrowski:

Pursuant to Sections 1173, 1176.1, and 1178 and 1178.5 of the California Labor Code, the California Labor Federation, AFL-CIO, and its Executive Secretary-Treasurer Art Pulaski hereby petition the Industrial Welfare Commission (IWC) to conduct a review of the adequacy of the California minimum wage and, following this review, to raise the minimum wage and index it to the cost-of-living.

The following is provided pursuant to Section 1176.1:

(a) Substance or nature of the regulation, amendment or repeal that is requested.
Petitioner respectfully requests the IWC to amend Minimum Wage Order 2001 and the minimum wage provisions of every industry Wage Order. (Orders 1 through 17).

(b) The reason for the request.

1) Section 1173 of the Labor Code requires the IWC to conduct a full review of the adequacy of the minimum wage at least once every two years. The last IWC review of the minimum wage began in November 2001 and lasted until February 2003. It is therefore the IWC's duty to begin this review immediately.
2) The current minimum wage of $6.75 an hour does not meet the statutory requirements that are spelled out in Sections 1178 and 1178.5 of the Labor Code. A minimum wage of $6.75 an hour is not adequate to "supply the cost of proper living" and constitutes a condition of labor that is "prejudicial to the health, morals or welfare of employees". (See discussion below)

(c) Reference to the commission's authority to take the action that is requested.
Sections 1173 and 1178.5, and 1182 of the Labor Code require the commission to review the minimum wage and establish a minimum wage that is adequate to supply the cost of proper living.

The Minimum Wage Affects Millions of Californians

The minimum wage of $6.75 an hour is inadequate to supply the cost of proper living to millions of Californians. An increase in the minimum wage would dramatically improve the lives of millions of Californians. According to the California Budget Project (CBP), there are 1.4 million workers in California who earn at or near the state minimum wage. Nearly 60 percent of these low-wage workers are Latino. Low-wage workers are more likely to be female compared to all workers. 84% of these workers are age 20 or older, and 59% are full-time workers.

These workers contribute to the growth and prosperity of California's economy. They harvest and cook our food, care for the ill, help raise our children and perform many other essential services. They have the same dreams that we all have of a better life for their families. Despite their strong work ethic, they have not received their fair share of the rewards of our state's enormous wealth.

The number of low-wage jobs in our state is forecast to increase. Jobs paying under $10.00 per hour are the fastest growing segment of the labor force. According to the California Budget Project, seven of the 10 fastest growing occupations, measured in absolute terms, pay less than $11 per hour.

The IWC's Action and Inaction Regarding the Minimum Wage

In 1988 the IWC raised the minimum wage from $3.35 an hour to $4.25 an hour. By the mid-1990's, inflation had eliminated the value of the 1988 increase. By 1996, the real value of California's minimum wage had reached a 40-year low. When the IWC refused to act on our requests for an additional increase, a coalition of labor, religious and community organizations placed Proposition 210 on the ballot. The initiative proposed an increase in the minimum wage to $5.00 in 1997 and to $5.75 in 1998. Proposition 210 won overwhelming voter approval in November 1996.

In November 1999 a coalition of labor, religious and community groups successfully petitioned the IWC to establish a wage board to evaluate the adequacy of the minimum wage. The IWC's investigation of the adequacy of the minimum wage took nearly a year and included a series of public hearings in Sacramento, San Diego, Stockton, and San Francisco. The IWC, meeting in the State Capitol on October 23, concluded its lengthy investigation into the state's minimum wage with a unanimous 5-0 vote to raise it to $6.25 effective January 1, 2001, and then to $6.75 effective January 1, 2002. While the two step increase of $1.00 an hour provided a significant improvement in the standard of living for low wage Californians, it remains a poverty wage by any measure.

In November 2001 the California Labor Federation petitioned the IWC to again consider the adequacy of the minimum wage. After much hesitation, the IWC created a wage board to look at the Minimum Wage. The board, comprised of half worker representatives and half employer representatives, met in 2002 and, predictably, deadlocked and did not agree on a recommendation to present to the Commissioners. As part of this process, the Department of Industrial Relations presented testimony based on its recent study, "Minimum Wages: The Economic Impact of the 2001 California Minimum Wage Increases," and argued that the 2001 increase had no impact on employment levels in the state but did help move workers out of poverty. Community and labor arguments that the current wage failed to fulfill the statutory requirements for a wage that is adequate to "supply the cost of proper living" fell on deaf ears.

In February of 2003, the IWC decided to halt the year-plus long process of discussing increases in the minimum wage stating that no increases were needed at this time. In reaching their decision at this time, the majority of the IWC commissioners argued that an increase would have negative impact on business. This test for deciding whether to move forward with consideration of a higher

wage is inappropriate. The primary test question the IWC needs to consider, as required by law, is if the minimum wage is adequate to "supply the cost of proper living." The impact on the business community should be of secondary concern.

A Wage Below the IWC's Own Historical Standards

The IWC must set a rate that achieves "the cost of proper living" standard. This must include recognition of the consistent increases in the cost of living in California.

By the IWC's own historical standards, the minimum wage should currently be above nine dollars per hour. Four decades ago, to aid its consideration of an appropriate minimum wage, the IWC developed an annual budget sufficient to "permit a working woman, entirely dependent on her own resources and supporting no dependents, to maintain a minimum but adequate mode of living. The "Budget for a Self-supporting Working Woman" – in later years called "Minnie's Budget" – was estimated at $2,855 in 1961 dollars, an hourly wage of $1.40. This translates into a wage of $9.78 in 2006 dollars, according to the California Budget Project.

A Wage Below Poverty and Self-Sufficiency Levels

An employee working full-time at the current minimum wage of $6.75 per hour would receive only $14,050 per year, from which Social Security and other taxes would be deducted. This is below the federal poverty level for a family of three and not nearly enough to lift them out of poverty. In 2005, according to the federal guidelines, a family of three earning an annual income of $15,670 still lived in poverty.

The US Department of Health and Human Services annually publishes a poverty income guideline that is used in welfare programs. Many economists and public agencies acknowledge that these poverty guidelines are wholly inadequate in measuring the real survival needs of working people. The federal poverty guideline is a single rate for the 48 contiguous states. The guideline is not adjusted to reflect regional differences in the cost of living. Our housing costs are the highest in the continental U.S. A poverty guideline that may suffice in Mississippi or Arkansas is hardly adequate here. The 1999 California Health and Work Survey released in September 1999 by the University of California, San Francisco, uses 125% of the federal poverty line as a more accurate poverty benchmark for California.

More recently, a May 2006 Public Policy Institute of California study found that, adjusting for cost of living, California has substantially higher poverty than the rest of the nation: 16.1% versus 12%. "The official measure does not take into account California's higher cost of living," according to PPIC. Increasing the minimum wage will decrease the number of working families living in poverty.

$12.44 is needed for a basic family budget according to the California Budget Project. The CBP estimated a "basic family budget" for the state as a whole and for ten regions within the state. This report estimates that a full-time, full-year single adult needs to earn $12.44 per hour to cover the cost of basic necessities in 2005. A single parent with two children needs to earn $25.96 per hour to make ends meet. While $25.96 is not a starting wage, it does highlight the disparity between California's minimum wage of $6.75 per hour and the earnings needed to support a family. Even the $12.44 per hour needed to support a single adult is far higher than the minimum wage.
If the minimum wage rose to $7.75, it still would be a dime short of enough to raise a family of three above the 2005 Federal Poverty Level of $7.84 per hour, let alone the Federal Poverty Level which will rise in future years.

The Minimum Wage is Failing to Retain Purchasing Power

The purchasing power of the minimum wage rose throughout much of the 1950's and 1960's and attained its peak value in 1968. Even at that level, it was a meager wage, barely providing a poverty level income for a family of three supported by a full-time wage earner. In the 1970's the purchasing power declined but remained within reach of the poverty line. During most of the 1980's the minimum wage remained frozen in nominal dollars and began a steady decline relative to inflation.

The high cost of living in California seriously erodes gains that we have made in providing a decent base level of compensation. In 1968, California's minimum wage stood at $1.65 an hour. For the minimum wage to match the purchasing power it had in 1968, today's minimum wage would have to be well over $9.00 per hour. If it had kept up with productivity gains, it would be over $25.00 today.

According to the California Budget Project, the minimum wage would have to be raised $1.11 by 2007 to get back to the purchasing power it had in 2002.

Indexing the Wage is Paramount

Raising the minimum wage from $6.75 to $7.75 is only a partial solution to the growing problem of the growth of poverty-level wages in our state. California needs to create more than just a temporary patch so that we can keep up with the cost of living.

Indexing is good for business and workers. It provides for predictable labor cost increases instead of periodic, large bumps. It also provides a permanent life preserver to workers. Workers face steadily sinking purchasing power without indexing, undercutting their ability to pay for their basic needs and purchase goods in their communities.

Costs of basics are going up, so must the basic wage. From 2000 to 2005, these basic items became more expensive in our state:

- Gallon of gas: Up from $1.66/gal to $2.39/gal – Up 44%
- Gallon of milk: Up from $2.91/gal to $3.59/gal – Up 23%
- Two-bedroom apartment at fair market rate: Up 45%
- CSU tuition: Up from $1,328/yr to $1,572/yr – Up 18%
- Childcare costs: Up from $8,494/yr to $9,691/yr – Up 14%

California is Falling Behind West Coast Standards

California once led the West Coast states by having the highest minimum wage. Now, California is falling further behind West Coast standards

California has the lowest minimum wage of all the West Coast states and ranks 11th in the U.S. Raising the wage by $1.00 and indexing it to the cost-of-living would put us in 3rd place behind Oregon and Washington state.

- States with Indexing: Washington ($7.63); Oregon ($7.50); Vermont ($7.25); Florida ($6.40); Nevada ($6.15 pending November vote).
- States without indexing: Alaska ($7.15); Connecticut ($7.10); Washington, DC ($7.00); New York, Mass., Hawaii, & Rhode Island ($6.75).

The National Low-Income Housing Coalition annually publishes housing costs for all U.S. states. According to the 2004 study, the California's minimum wage only covers 34% of the cost of a two-

bedroom apartment, Oregon's wage covers 51%, Washington's covers 51%, and Alaska's covers 42%.

California's West Coast economic rivals and their local communities have benefited from the improved purchasing power that their higher minimum wage gives to hundreds of thousands of lower paid consumers.

Increasing the Wage will Decrease Inequality and Poverty in the State

Increasing the minimum wage will benefit California by decreasing economic inequality. California outpaces the nation is the yawning chasm that has opened between rich and poor. In August, 2001 the California Legislative Analyst Office (LAO) reported on the growing inequality in the state. The LAO reports that "California's changing income distribution will not only yield unhealthy social outcomes, but also may cause increased volatility in state tax revenues as the distribution of the tax burden shifts to high-income taxpayers." They thus recommend that priority be given to policies that facilitate upward income mobility.

Increasing the minimum wage is the single most effective means to fight poverty and reduce the growing wage gap in our state. Studies have found that a few years ago, low-wage workers at the bottom 10th and 20th percentile saw increases in real earnings for the first time in a decade. These real increases coincide with the minimum wage increases under Proposition 210 and under federal legislation. ("Finally, Real Wage Gains" by Lawrence Mishel, Jared Bernstein and John Schmitt, Economic Policy Institute, Issue Brief #127, July 17, 1998).

When the hourly wage goes up, poverty falls. The hourly wages of those at the bottom of the earnings distribution have risen substantially since 1996, when the first of a series of actions raised the state and federal minimum wage. Between 1996 and 2004, the inflation-adjusted hourly earnings of the California workers at the 10th and 20th percentiles of the earnings distribution increased, as did those of the median worker, the worker at the middle of the earnings distribution. However, the earnings of the worker at the 10th percentile of the earnings distribution rose by a larger percentage (12.6 percent) than those of the worker at the 20th percentile (9.4 percent), and the earnings of the worker at the 20th percentile increased by a larger percentage than those of the worker at the median (7.5 percent). Between 1990 and 1996 – when the minimum wage was not increased – the opposite took place. (CBP)

Recent tax breaks for the rich have served to further increase the disparity in income between the rich and the poor. According to *Business Week*, the average CEO of a major corporation made 42 times the average hourly worker's pay in 1980, 85 times in 1990 and a staggering 531 times in 2000.

The restaurant industry, one of the chief opponents to increases in the minimum wage, has enjoyed a 158 percent increase in profits from 1968 to 2000 as measured in 2000 dollars. During the same period the minimum wage has seen a 35 percent decrease in value.

Increasing and Indexing the Minimum Wage has Strong Public Support

According to a poll of 800 California voters conducted Nov. 15-20th 2005 by David Binder Research, 73 percent support an increase to $7.75 with indexing, while only 22 percent were opposed.

The $7.75 idea not only had support from Democrats (80 percent), but from Independents (76 percent) and Republicans (62 percent). Republican women favored the idea over Republican men,

72 percent to 50 percent. Republicans making less than $50,000 a year gave the idea 72 percent support; even 53 percent of Republicans making more than that amount supported the idea.

Impact on Employment and Prices: Recent Studies from California and Beyond

Every time the increase in the minimum wage is considered, employers cry that the sky is falling and threaten increased unemployment. However, the California Research Bureau study of 2002 argues "existing research on the minimum wage shows that effects on inflation and employment are minor. Furthermore, these effects could be largely offset by changes in productivity driven by an employer's search for lower costs. If changes in wages lead to more efficient ways of production, effects could be positive." This finding is consistent with the experiences of other states, where moderate minimum wage increases have not led to job losses.

A highly regarded study by Card and Krugman in 1995 looked at the impacts of the 1988-89 increase in the California state minimum wage and found no measurable adverse employment impacts and some real wage gains for low-wage workers. Similarly, studies of increases in the minimum wage during the mid-90s by Reich and Hall and by the California Budget Project did not find negative employment effects.

A recent study by the University of Illinois looked at all of the states and found no correlation between a state's minimum wage and its employment growth ("Raising and Maintaining the Value of the State Minimum Wage: An Economic Impact Study of Illinois," University of Illinois at Chicago, March 2003) and a report on the impact on the increased minimum wage in Oregon confirms that the increase did not cause job loss in that state ("Cooking the Public Debate: The Restaurant Association's Misleading Recipe for the Minimum Wage," The Oregon Center for Public Policy, April 24, 2003).

Additionally, workers' hourly wages tend to go directly back into their local community as they pay for life's necessities. It should always be remembered that the first federal minimum wage was implemented during The Great Depression as a way to jump-start the economy.

Higher Wages Do Not Push Business Out of State

An October 2005 study by David Neumark of the Public Policy Institute of California argues that very few businesses and jobs are leaving California due to its business climate and wage costs.

A December 2005 UC Berkeley study shows that most working poor are not employed in sectors that face competition from low-wage states or countries. The increase in the number of jobs in the service sector is a prime example: If the price of a Big Mac increases by 10 cents, then the typical consumer is not going to cross state lines to get a cheaper meal.

Manufacturing job losses are occurring due to other economic forces, such as globalization and offshoring, which would have happened without changes in the minimum wage.

Increased costs due to an increase in workers exempt from being classified as salaried employees, are very small. According to a UC Berkeley report: Assembly Bill 48 (which called for raising the wage $1.00 with indexing thereafter) raises the pay floor required to exempt salaried workers from overtime eligibility, but the associated costs for employers are negligible. Most exempt workers are already paid well above the new floor, so the number potentially affected is small, less than 0.5 percent of private sector employment. When the minimum wage was last increased, in 2001-2002, very few of these workers received pay increases as a result.

Recent experience shows that indexing does not hurt employment

UC Berkeley recently released a study that shows that San Francisco's new, higher minimum wage of $8.82 hasn't hurt the city's economy or its businesses. And in Oregon, which has a wage of $7.50 plus indexing, there has been an increase of 91,500 jobs since the indexed higher wage was passed by the voters – Oregon job growth since voters approved the increase ranks 9th in the United States. Washington, with a wage of $7.63 plus indexing, added 80,000 jobs between 2000 and 2005.

In the restaurant industry, which was adamantly opposed to minimum wage increases in recent years, employment has increased by 8.9 percent since the 2001-2 minimum wage increases. During the same period, California's total private employment increased by 0.4 percent. (UCB)

The UCB study found that raising the wage by $1.00 (AB 48) would increase operating costs of the average business by approximately 0.7 percent. About three-fourths of businesses would experience increases in operating costs of no more than one percent. Increases of such magnitudes are likely to be met primarily through very small price increases. Increased productivity and reduced turnover costs would also help absorb cost increases.

An April 2004 study by the New York state Fiscal Policy Institute compares the labor market performance of high minimum wage states with all other states. Concluding: "State minimum wages higher than the federal minimum wages have not adversely effected employment growth. Total employment in the higher minimum wages states increased by 6.2 percent from January 1998 to January 2004, 50 percent greater than the combined job growth of 4.1 percent in the other states where the federal minimum wage prevailed."

The findings were similar for small business, finding that "In the under 50 employee size range across all industries, the number of establishments increased 3.1 percent for the higher minimum wage states compared to a 1.6 percent increase for the balance of the states.

Impact on State Budgets: Increased Sales Taxes, Public Sector Expenditures and Savings

Raising the minimum wage is an economic stimulus as workers spend their new disposable income on taxable merchandise and services. The money is circulated locally and increased taxes are passed back to the state budget. The costs to the state of increased wages will be offset by newly generated tax revenue and decreased use of public assistance programs.

A recent study by the UC Berkley looked at the cost to the public of public assistance by low-wage workers. It argues that there would be a State savings of $2.15 billion if the minimum wage were increased to $7.75.

Increasing the Wage to Stimulate Our Economy

Raising the minimum wage would not only benefit those workers directly receiving the increased wage but would also have positive ripple effects on the local economy. Considering the limited discretionary spending dollars that most minimum workers have available to them, most of their increased wages are circulated directly back into their local economy in the form of rent, food, and other necessary expenditures. Communities and government also benefit as workers' dependency on public assistance declines with increased wages.

A recent study, which looked at the impact of raising the minimum wage in San Francisco, shows that minimum wage workers spend extra cash from wage increases at local businesses. The study shows that more than 60% of the new income will be spent on such items as food, apparel, repairs, and personal services that are likely to be purchased in neighborhood businesses close to home.

There are Strong Economic and Moral Arguments for a Higher Minimum Wage

By any reasonable standard, the current minimum wage is not adequate to supply the cost of proper living to these workers and their dependents. A low minimum wage is injurious to workers' health and welfare. It is the duty of the IWC to raise the minimum wage to a level that provides working Californians a living wage. As a society, we have the responsibility to make work pay, and to provide those that toil in our shops, fields, and factories with a wage that will allow them dignity, respect and the ability to be full members of society.

Therefore, we respectfully ask the IWC to immediately begin a review of the minimum wage, to increase it and to index it to the cost-of-living. The minimum wage should be at a level that permits California's hard-working men and women to live and raise their families with dignity.

Sincerely,

Art Pulaski
Executive Secretary-Treasurer
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Attachments:

- "Good for Business: Small Business Growth and State Minimum Wages," Policy Matters Ohio and Center for American Progress, May 2006.
- "Poverty in California: Moving Beyond the Federal Measure," Deborah Reed, Public Policy Institute of California, May 2006.
- "Making Ends Meet: How Much Does it Cost to Raise a Family in California?," California Budget Project, October 2005. www.cbp.org
- "Minimum Wage Increases Boost the Earnings of Low-Wage California Workers," California Budget Project, Revised January 2006.
- "Policy Points. Indexing the Minimum Wage to Inflation," California Budget Project, May 2006.
- "Policy Points. California's Minimum Wage," California Budget Project, March 2006.
- "Policy Points. A Growing Divide: The State of Working California 2005," September 2005.
- "IIR Policy Brief. Minimum Wages and the California Economy: The Economic Impact of AB 48," Institute of Industrial Relations, UC Berkeley, September 2005. http://www.iir.berkeley.edu/research/minimumwage.html
- "IIR Policy Brief. The Economics of Citywide Minimum Wages: The San Francisco Model," Institute of Industrial Relations, UC Berkeley, January 2006. http://www.iir.berkeley.edu/research/minimumwage.html
- "The Hidden Public Costs of Low-Wage Jobs in California," Center for Labor Research and Education, UC Berkeley, May 2004. http://www.iir.berkeley.edu/research/minimumwage.html
- "Raising Low Pay in a High Income Economy: The Economics of San Francisco's Minimum Wage," UC Berkeley, May 2003. http://www.iir.berkeley.edu/research/minimumwage.html
- "Living Wage Ordinances," by Michael Reich, in The State of California Labor, UC Institute for Labor and Employment, 2003. http://www.iir.ucla.edu/scl/index.html
- "Are Businesses Fleeing the State? Interstate Business Relocation and Employment Change in California," David Neumark, Junfu Zhang, and Brandon Wall, Public Policy Institute of California, 2005.
- "Minimum Wage: Who Gets it and What Difference Does it Make?," Alice Buragrin and Rosa Moller, California Research Bureau, August 2003. http://www.library.ca.gov/crb/02/11/02-011.pdf
- "Minimum Wages: The Economic Impact of the 2001 California Minimum Wage Increases," Jeffrey Woods, California Department of Industrial Relations, 2002.
- "The Puzzle of the Los Angeles Economy: A Look at the Last Thirty Years," Institute for the Study of Homelessness and Poverty at the Weingart Center, October 2003, www.weingart.org
- EPI Issue Brief, "States Move on Minimum Wage: Federal Inaction forces states to raise wage floor to protect low-wage workers," Jeff Chapman, June 2003. www.epinet.org
- "Raising and Maintaining the Value of the State Minimum Wage: An Economic Impact Study of Illinois," Ron Baiman, et al, Center for Urban Economic Development, University of Illinois, March 2003. www.uic.edu/cuppa/uicued/
- News article: "Prices up again, but not pay: Energy, food costs drive gains; salaries stay flat," San Diego Tribune, February 23, 2006.
- News article: "Wage Gap Widens in State," San Francisco Chronicle, December 13, 2005.
- News article: "Working for the Minimum," Sacramento News and Review, February 2, 2006.

Additional Information:

- California Budget Project - www.cbp.org
- Institute for Industrial Relations, UC Berkeley: http://www.iir.berkeley.edu/research/minimumwage.html
- Californians for Family Economic Self-Sufficiency, a Project of the National Economic Development and Law Center www.nedlc.org
- Oregon Center for Public Policy www.ocpp.org
- Economic Opportunity Institute (Washington State) www.eoionline.org
- Economic Policy Institute www.epi.org
- AFL-CIO http://www.aflcio.org/issues/jobseconomy/livingwages/
- California Labor Federation, AFL-CIO www.calaborfed.org

pc/tng39521cwa/afl-cio