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State Minimum Wage Laws as a Response to Federal Inaction

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Abstract

This article analyzes state legislative and ballot measure activity related to the minimum wage between 2003 and 2020. The analysis distinguishes proposals to raise the minimum wage from those to index it to the annual rate of inflation, and examines the proposed dollar amount, the process used (legislation vs. ballot measure), and the measure's success or failure. The analysis suggests that state activity tends to increase when the minimum wage rises on the federal policy agenda, and that partisanship and ideology also play a central role in efforts to raise and index state minimum wages.

Keywords

minimum wage, federalism, state politics, labor policy

In his 2014 State of the Union address, President Barack Obama urged Congress to raise the federal minimum wage from $7.25—where it has stood since 2009—to $10.10 per hour and index it to the Consumer Price Index (CPI) thereafter. Acknowledging that during a period of divided government and rising partisan polarization, Congress was unlikely to heed his call, Obama added: "To every mayor, governor, and state legislator in America, I say, you don't have to wait for Congress to act; Americans will support you if you take this on" (Obama 2014a). When Congress indeed failed to act, many states quickly took matters into their own hands, passing legislation or ballot measures raising the state minimum wage to $10.10 (or higher) and, in some cases, tying future increases to inflation.

The minimum wage is a prominent example of a policy arena in which federal inaction has prompted a growing number of states to take the lead, yet there is scant literature on this link—or on the politics of state minimum wage policy in general—making it ripe for study. This article analyzes state legislative and ballot measure activity related to the minimum wage between 2003 (the first year for which comprehensive data are available) and 2020. The analysis distinguishes proposals to raise the state minimum wage from those to index future increases, and examines the proposed dollar amount, the process used (legislation vs. ballot measure), and the measure's success or failure. The analysis suggests that state activity tends to increase when the minimum wage rises on the

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federal policy agenda. It also emphasizes the central roles of partisanship and ideology in efforts to raise and index state minimum wages. Case studies of two states—Connecticut and Maryland—explore these themes in greater depth.

Federal Minimum Wage Policy: From Bipartisan Compromise to Polarized Gridlock

The earliest U.S. minimum wage laws emerged at the state level during the Progressive Era; however, by the New Deal Era, minimum wage policy had largely shifted to the federal domain. In 1912, Massachusetts became the first state to pass a minimum wage law; a handful of other states and D.C. soon followed suit. The U.S. Supreme Court invalidated such laws in *Adkins v. Children's Hospital of D. C.* (1923), but later reversed course in *West Coast Hotel Co. v. Parrish* (1937). Following the latter ruling, President Franklin D. Roosevelt championed and Congress passed the Fair Labor Standards Act of 1938 (FLSA), creating the first federal minimum wage of $0.25 per hour. Because the bill did not include automatic increases to prevent inflation from eroding the minimum wage's real value, the responsibility to enact such increases was left to Congress.

Party and ideology have long been the most important determinants of federal minimum wage policy (Silberman and Durden 1976; Bloch 1980; Krehbiel and Rivers 1988; Poole and Rosenthal 1991, 1997). The desire to redistribute income to low-wage workers tends to lead liberals to favor minimum wage increases, while concerns about potential employment effects and burdens on small businesses often lead conservatives to oppose those increases. In the first four decades following the FLSA's passage—a period of Democratic dominance of national government—the minimum wage tended to increase both frequently and substantially (see Supplemental Table 1). In 1968, as Lyndon Johnson's Great Society drew to a close, the real, inflation-adjusted minimum wage of $1.60 per hour reached its peak value of $12.10 in 2020 dollars. The subsequent Republican resurgence coincided with a period of real minimum wage erosion, as both the frequency and real value of increases plummeted (Supplemental Figure 1).

Despite this longstanding ideological divide, federal minimum wage policy during the mid-twentieth century—when partisan polarization was low by historical standards—enjoyed a fair amount of bipartisan support (McCarty, Poole, and Rosenthal 2016). In 1949, for instance, Republicans overwhelmingly voted for a near doubling of the federal minimum wage. In 1955, after Democrats regained control of Congress, President Eisenhower endorsed a variety of common-ground policies, including a modest minimum wage hike. In the 1960s, "moderates mounted their usual 'compromise' strategy" of scaled-back, slowed-down increases, and the watered-down bills enjoyed broad bipartisan support (Waltman 2000, 39).

As partisan polarization began to rise in the 1970s, however, the federal debate over minimum wage policy became more contentious. A majority of Republicans voted against the 1977 FLSA amendments, signaling that the minimum wage had become part of the "main line of liberal-conservative conflict" in Congress (Poole and Rosenthal 1991, 232). Ronald Reagan proclaimed in his 1980 presidential campaign that "the minimum wage has caused more misery and unemployment than anything since the Great Depression," and staunchly opposed any increase during his eight years in office (Clines 1980). In 1996, despite their minority status in both chambers, congressional Democrats used a "deft combination of obstruction of the Republican agenda and symbolic election-year politics" to push through a modest increase (McCarty, Poole, and Rosenthal 2016, 174). And when Democrats regained control of Congress in 2007 and sought to increase the minimum wage to $7.25, Republican senators filibustered until tax relief for small businesses was added to the bill.

The period since the Fair Minimum Wage Act of 2007 marks the longest stretch of federal inaction in U.S. history. During this period of record-high partisan polarization in Congress, Democrat-sponsored bills to raise the minimum wage have repeatedly failed due to Republican opposition. The minimum wage gained prominence on the national stage when President Obama advocated for a $9 minimum wage in his 2013 State of the Union Address. In his 2014 State of the Union Address, Obama expressed support for a proposal by Senator Tom Harkin (D-IA) and Representative George Miller (D-CA) to raise the minimum wage to $10.10 per hour—an amount that would return the real federal minimum wage to approximately its 1968 peak level—and index it to the CPI thereafter. Although those proposals garnered considerable national attention and widespread support—with nearly seven out of ten Americans favoring a $10.10 minimum wage in 2014—they stalled in Congress (Bloomberg 2014). Following the 2016 election of Donald Trump and Republican majorities in both chambers of Congress, the minimum wage faded from the national agenda.

Congress has debated indexing the minimum wage—that is, linking it to the CPI or some other economic measure—on and off since the policy's inception. Such proposals have been exceptionally unpopular with business interests and congressional conservatives, who tend to believe that an ad hoc process places them in a stronger strategic position to resist increases (Weaver 1988). For their part, some Democrats have opposed indexation because it deprives them of credit-claiming and vote-trading opportunities (Weaver 1988). The strongest support for indexation typically has come from liberal members closely allied with organized labor. Conservatives in Congress have been able to defeat indexation by offering alternative proposals lacking permanent annual adjustments, thereby giving cover to moderates. Congress's repeated failure to index the federal minimum wage has increased pressure on the states to raise and index their own minimum wages. However, similar obstacles at the state level have prevented many states from passing legislation to index the minimum wage, as discussed later in the article.

State Minimum Wage Policy: Stepping into the Void

As a gridlocked Congress stalls and inflation continues to erode the minimum wage's purchasing power, a growing number of states have gone beyond the floor required by federal law. In 1968, when the federal minimum wage was at its historical peak in real terms, only one state—Alaska—had a minimum wage higher than the rate required by federal law. Subsequent periods of federal inaction and purchasing power erosion coincided with state minimum wage hikes (see Supplement Figure 1). By 2020, when the real federal minimum wage had fallen to 60 percent of its peak value, 30 states and D.C. had adopted minimum wages above the federal rate of $7.25.[1]

Only a handful of studies have examined the politics of state minimum wage policy. Freeman and Rogers (2007) observe that high minimum wages and other pro-labor policies circa 2006 tended to cluster in wealthy, coastal, and liberal-leaning states. Whitaker et al. (2012) examine the 1997–2006 period and find that liberal citizen ideology and the number of years since the previous federal increase are significant determinants of minimum wage increases. Finally, Franko and Witko (2018) examine the 1986–2012 period and find that states where government liberalism and public awareness of inequality are more pronounced tend to have higher minimum wages, and that the more time that has passed since the last federal minimum wage hike, the more states tend to raise their own minimum wages.

Several studies have focused on the role of direct democracy in state minimum wage policy. Johnson (2002) examines several case studies of Western states in which ballot initiatives served as "a tool to wrest power away from a hostile or unsympathetic legislature and deposit it in the hands of the people" (Johnson 2002, 336). Ferraiolo (2017) argues that ballot measures have served to expand the spread of minimum wage increases into red states—in some cases by bypassing reluctant state lawmakers and in others by pressuring them to compromise. Simonovits, Guess, and Nagler

(2019) find that minimum wages are substantially closer to average voter preferences in initiative states than in non-initiative states.

The literature on minimum wage hikes in U.S. cities mirrors many of these state-level findings. Large, liberal cities located outside of the South are most likely to enact "living wage" policies, such as the $15 wage adopted in Seattle, San Francisco, and elsewhere (Swarts and Vasi 2011). High density of community organizations and a history of progressive activism are associated with the adoption of living wages (Lester 2014; Martin 2006). Proximity to other living wage cities matters (Martin 2006; Gallet 2004), as does access to direct democracy (Luce 2004; Lester 2014). None of these studies examines the connection between federal and local action.

Empirical Patterns in the Fifty States

To examine patterns and determinants of state minimum wage activism, I compiled comprehensive data on legislative and ballot measure activity in the fifty states and D.C. between 2003 and 2020. The legislative data are primarily from LexisNexis State Net—a database of all state bills introduced since 2003. When LexisNexis data were ambiguous or incomplete, I gathered additional information from state legislative websites. Data on ballot measures are from Ballotpedia.

Between 2003 and 2020, state lawmakers and D.C. councilmembers introduced a total of 1,080 unsuccessful and sixty-six successful bills to raise the minimum wage. There were twenty-one state ballot measures to increase the minimum wage during this period, all of which passed.

When it comes to legislative activity, partisan patterns are strong. Fully 93 percent of all bills to raise the minimum wage during the sample period were introduced by Democrats, 3 percent by Republicans, and the remainder by independents, nonpartisans, or committees. Not only is Republican sponsorship rare, but Republican-sponsored bills tend to call for smaller increases than the Democratic bills or ballot measures under consideration at the time. For instance, in 2015, when Pennsylvania Democrats were proposing minimum wages ranging from $10.10 to $15, a Republican senator proposed a competing bill calling for $8.75. In several cases, Republicans who sponsored bills to raise the minimum wage subsequently changed parties.

Partisan patterns are also strong in legislative success. Of the sixty-six minimum wage increases adopted between 2003 and 2020, 82 percent were passed by Democrat-controlled state legislatures, 11 percent by split legislatures, and 7 percent by Republican-controlled legislatures. However, most bills approved by split or Republican-controlled legislatures simply raised the state's minimum wage to match the $7.25 federal minimum wage enacted in 2007.

The only state in which a Republican-controlled legislature adopted a minimum wage higher than the federal rate during the sample period was Michigan, where the threat of a ballot measure prompted lawmakers to compromise. In 2014, labor groups gathered signatures for an initiative that would have raised Michigan's minimum wage to $10.10 and indexed it to inflation. The Republican Senate Majority Leader called the measure "irresponsible," warning that some businesses would have to "multiply their payroll by 400 percent" (Kornacki 2014). Under pressure, he proposed, the Republican-controlled legislature passed, and the Republican Governor signed, a compromise of $9.25 per hour.

Regional patterns in state legislative activity are also strong, with Northeastern states taking the lead. Rhode Island enacted the largest number of minimum wage increases during the sample period (eight), followed by Connecticut (five) (see Supplemental Table 2). Of the seven states that have increased their minimum wage to $15, five plus D.C. are in the Northeast. Nearly half the states—mostly in the South and Midwest—did not pass any minimum wage legislation between 2003 and 2020. However, in most cases, this inaction was not for lack of trying. For instance, Mississippi Democrats introduced seventy-six unsuccessful bills between 2003 and 2020.

Ballot measures have served to spread minimum wage hikes to red and purple states outside the Northeast. Of the twenty-one ballot measures adopted during the sample period, eleven passed in states that had Republican-controlled legislatures at the time, six in states with split legislatures, three in states with Democrat-controlled legislatures, and one in a state (Nebraska) with a nonpartisan legislature. Not surprisingly, since direct democracy is most widely available in the West and Midwest, nine ballot measures were approved in the West, six in the Midwest, three in the South, and two in the Northeast.

The timing of state legislative activity is clearly linked to federal activity (see Supplemental Figure 2). In 2005–2007, after nearly a decade of federal inaction, the minimum wage rose in prominence on the national policy agenda as congressional Democrats proposed dozens of bills to amend the FLSA; following Democrats' 2006 midterm takeover of both chambers, they succeeded in passing the Fair Minimum Wage Act of 2007. State activity also flourished during this period. Several states—such as Hawaii and Vermont—beat the feds to the punch, passing $7.25 minimum wages as early as 2005, when Congress was still deliberating, while others—such as Kansas and Alaska—followed Congress's lead. Following the Fair Minimum Wage Act of 2007, federal and state legislative activity ground to a near halt for several years. Despite Barack Obama's campaign promise to raise the federal minimum wage to $9.50 per hour, he did not make the minimum wage a top domestic policy priority until 2013–2014, when the GOP controlled the House. During this period in which the minimum wage was prominent on the national agenda but Congress remained gridlocked, the states swung back into action. The number of bills introduced per year reached an all-time high of 126 in 2015. Since then, state activity has declined but remains high by historical standards.

The dollar amounts of state minimum wage proposals mirror the federal minimum wage debate (see Supplemental Figure 3). In 2000–2001, the most common federal minimum wage proposed in Congress was $6.15; that remained the most common state proposal from 2003 through 2006. In 2005, $7.25 was the modal federal proposal; two years later, it became the modal state proposal. Congress began considering a $10.10 minimum wage in 2013; the following year, more states considered a $10.10 minimum wage than any other rate. By 2015, Congress had begun debating a $15 minimum wage following the successful "Fight for 15" in cities such as Seattle and San Francisco; the next year, the states again followed suit. Interestingly, the timing of events suggests that the Fight for 15 movement diffused from the local level to the federal level before taking hold at the state level.

Eighteen states have indexed their minimum wages to the cost of living (see Supplemental Table 2), although indexation has not yet gone into effect in a number of these states. Eleven states have indexed via ballot measures; seven states and D.C. have done so via legislation. The path to indexation is easier via direct democracy, as 100 percent of ballot measures to index the minimum wage have passed, whereas the legislative success rate is less than two percent, with only 8 out of 471 indexation bills proposed since 2003 having passed. Direct democracy circumvents the legislative hurdles identified by Weaver (1988), including the opposition of moderate Democratic lawmakers. These dynamics help explain why an equal number of red and blue states have indexed their minimum wages to inflation.

Case Studies

The empirical patterns identified in the previous section suggest that federal activity is an important driver of state minimum wage activism; that partisan and regional patterns in legislative activity are strong; and that efforts to index the minimum wage to inflation via legislation encounter steep political hurdles. To examine these dynamics in greater depth, this section examines two cases: Connecticut and Maryland. In both states, federal inaction clearly prompted state action; however, the politics—particularly with regard to indexation—played out differently due to partisan and ideological differences. In particular, Maryland had large Democratic majorities and a Republican governor for much of the sample period, while Connecticut had a Democratic governor and either narrow Democratic majorities or a partisan split in the legislature—until a 2018 blue wave increased the Democrats' margins and elected several progressive lawmakers with close ties to organized labor.

Connecticut

In 2013, 2014, and 2019, Connecticut enacted legislation to raise its minimum wage to $9, $10.10, and $15, respectively; in each instance, national developments helped shape the state's actions. The 2013 effort originated the year before, when Democratic lawmakers unsuccessfully sought to raise the minimum wage from $8.25 to $9.75 and link it to the CPI. After negotiations with the business community, the Democrat-controlled House passed a watered-down bill to raise the wage to $8.75, but even this version did not have the votes needed to pass in the Democrat-controlled Senate, where it died. Democratic leaders blamed the struggling economy, the fact that Connecticut's minimum wage was already higher than its neighbors', and the sense among moderate Democrats that "this is the wrong time" (Altimari 2012).

The political landscape shifted dramatically following President Obama's call for a $9 federal minimum wage in his February 2013 State of the Union Address. Governor Dannel Malloy went from warning that "we must be mindful of the needs of businesses, especially given the current economic climate" in January 2013 to advocating a $9 minimum wage in April (Altimari 2013). Malloy explained: "The president . . . has advanced and advocated for that change and I believe that it's the right time for Connecticut to move in that direction as well." He also noted that several neighboring states were starting to consider adopting Obama's $9 proposal (New York and Rhode Island soon did). In supporting this relatively modest increase and opposing indexation, Malloy staked out "a reasonable position," and business leaders agreed that the governor's proposal was "at least better than what came out of the labor committee" (Wilson 2013). After a rancorous partisan debate, the bill passed on a mostly party-line vote and the governor signed it into law.

The following year, when President Obama in his State of the Union Address backed a proposal to raise the federal minimum wage to $10.10, Governor Malloy again followed suit, proposing a $10.10 minimum wage for Connecticut—again without indexation. The governor noted that "federal action on this issue would be welcome," but that "with the Tea Party running Congress, that is unlikely" (Altimari 2014). The president traveled to Connecticut in March—standing alongside Governor Malloy, Connecticut's two U.S. Senators, and the Democratic governors of three neighboring states—to rally support for a $10.10 minimum wage. In his remarks, Malloy announced his intention to "follow this president" and his "great policies" (Keating 2014). Three weeks later, following passage on a mostly party-line vote, Malloy signed the bill at the restaurant where he had eaten lunch with the president on the day of the rally.

Connecticut did not enact another minimum wage increase until 2019. As the nationwide "Fight for 15" intensified, Democratic lawmakers proposed half a dozen unsuccessful bills to raise and/or index Connecticut's minimum wage to $15 throughout 2017 and 2018; however, split partisan control of the Senate and a slim Democratic majority in the House created an inhospitable environment. It was not until 2019, following the election of large Democratic majorities in the General Assembly—as well as gubernatorial candidate Ned Lamont on a platform featuring a $15 minimum wage—that Connecticut's Fight for 15 began to gain momentum. Upon taking office, Democratic lawmakers identified raising the minimum wage to $15 and indexing it to inflation as a top legislative priority. Business groups such as the Connecticut Retail Merchants

Association and the Connecticut Food Association testified before the Assembly, unsuccessfully requesting a slower schedule of increases and removal of the indexation provision. The bill passed largely along party lines, and Connecticut became the seventh state to adopt a $15 minimum wage; indexation will begin in 2023.

State Senator Julie Kushner (D-Danbury)—one of the bill's primary sponsor's—traces its success to wide Democratic margins in both chambers, the strong support of the party leadership, and the governor's campaign promise.[2] "Having larger majorities in the senate and in the house [meant that] if you had reluctant Democrats you could afford to lose one or two of them." Moreover, calling the governor's support "incredibly helpful," she observed that "it makes the difference with the legislators who are reluctant." Kushner and her co-sponsor, Representative Robyn Porter (D-New Haven)—both former labor leaders and community activists—"weren't flexible about indexing." Kushner recalled that in 2014, when Connecticut had adopted a $10.10 minimum wage:

> That was great—we were leading the country—but by 2019, we had fallen way behind again. That was really the argument: "We don't want to fall behind again." We understood that if we didn't get the indexing . . . by the time we got to 2023 we could very well be behind again. That message resonated with voters, and we had the backing of our senate leadership and house leadership.

However, pressure from business interests led Kushner and Porter to switch from the CPI to the Employment Cost Index (ECI). "There was a belief that it doesn't vary as much from year to year, and that was more appealing to businesses. We checked with the AFL-CIO and SEIU and their researchers told us that in fact that measure did as well for workers as the CPI. So we were comfortable going to the ECI."

Maryland

Like Connecticut, Maryland raised its minimum wage to $10.10 in 2014 and $15 in 2019; however, the politics played out somewhat differently in the Old Line State. In 2014, Democratic Governor Martin O'Malley—term limited and mulling a run for the presidency—announced that his top priority for his final year in office was an increase in the state's minimum wage to $10.10 with indexation (Wheeler 2014a). Two weeks later, President Obama visited a Costco in Lanham, Maryland, to support O'Malley's efforts, remarking: "in the year since I first asked Congress to raise the federal minimum wage, five states have passed laws to raise theirs. Governor O'Malley is trying to do it here in Maryland." (Obama 2014b).

Although Dereck Davis, the moderate Democratic chair of the House of Delegates Economic Matters Committee, supported the governor's $10.10 proposal, he opposed indexation because it would "avoid future discussions about the issue"—consistent with the theory advanced by Weaver (1988) and Sherman (2014). The *Baltimore Sun* Editorial Board complained:

> Maryland Democrats were willing to go along with the idea of indexing the gas tax to inflation last year, but in that case, they were absolving themselves of having to take votes they didn't want to down the road rather than robbing themselves of future opportunities to cast themselves as champions of the working poor. (Editorial Board 2014)

After the House passed the $10.10 bill on a mostly party-line vote, Davis traced the move to federal inaction: "The House of Delegates is trying to do what Congress should be doing" (Wheeler 2014b). The Democrat-controlled Senate passed the House's version of the bill on another mostly party-line vote. The governor signed the legislation into law with U.S. Labor Secretary Thomas Perez—representing President Obama—by his side.

The Fight for 15 intensified in Maryland in 2019, much as it did in Connecticut. Pressure mounted for several reasons: it had been five years since the previous legislation, Democrats had made sizeable gains in the House in the 2018 election, and both neighboring D.C. and

Montgomery County—the state's most populous jurisdiction—had recently adopted $15 minimum wages with indexation. In early 2019, Maryland Democrats introduced a bill proposing to do the same statewide, but the House Economic Matters Committee again removed the indexation provision—over the objections of the Fight for 15 Coalition and the Service Employees International Union. Under pressure from business interests and Republican Governor Larry Hogan, Chairman Davis had "tried to find a good balance" (Wood 2019). As the House approved that bill along a veto-proof, mostly party-line vote and the Senate prepared to follow suit, Governor Hogan unsuccessfully proposed a compromise of $12.10 per hour, warning that the Democrats' "dramatic" increase would "negatively impact our competitiveness and harm our state's economy" (Kurtz 2019). When Hogan vetoed the $15 legislation, both chambers mustered the three-fifths vote needed for an override—making Maryland the sixth state—and the first below the Mason-Dixon Line—to adopt a $15 minimum wage.

When asked about the original inspiration behind Maryland's $15 minimum wage, Senator Cory McCray (D-Baltimore)—one of the bill's primary sponsors—observed: "the federal government hadn't done anything, so the work had to happen back in the states."[3] He also emphasized the importance of "the folks who had come before us"—particularly local jurisdictions within Maryland, such as Montgomery County. Regarding indexation, McCray expressed disappointment that "we have to keep coming back and revisiting these conversations every few years instead of moving it with inflation." According to the senator, compromise was needed to "put some points on the board." When it came to mustering a veto-proof majority of twenty-nine out of thirty-one Democratic senators, "we had to deal with the purple districts" represented by moderate Democrats. "The reality is: what is feasible? What is going to move the needle? What does it take to get to 29?"

Conclusion

Against a backdrop of partisan polarization, the minimum wage debate at both the federal and state levels is characterized by deep partisan and ideological fissures. Although federal inaction has prompted many state legislatures to pass laws raising state minimum wages, that action has taken place disproportionately in blue states. Ballot measures have enabled voters to circumvent reluctant lawmakers in several red and purple states. However, the scope for additional states to join the list is limited by the availability of direct democracy; among the 20 states where the federal minimum wage of $7.25 still applies, only six have the initiative.[4] The minimum wage is thus similar to other policy arenas—such as immigration and climate change—in which the federal policy vacuum, combined with rising partisan polarization, is contributing to the emergence of a patchwork of wildly divergent state policies.

Partisan and ideological factors also weigh heavily in the state debate over indexation, as the Connecticut and Maryland case studies reveal. Just as Weaver (1988) finds at the federal level, support for indexation among state lawmakers is strongest among liberals with close ties to labor and considerably weaker among Republicans and moderate Democrats. Ballot measures have enabled several states to circumvent legislative obstacles to indexation; indeed, the foregoing analysis helps explain why such a large share of states with indexed minimum wages leans Republican.

This article has focused on the impact of federal activity on state activity; however, state policies also have the potential to diffuse vertically. The fact that a majority of states—including a growing number of red and purple states—has moved well beyond the requirements of federal law may prompt national lawmakers to catch up once the political landscape becomes more favorable. Senator Kushner reflected on this possibility, observing that: "anytime you have more states that pass increases in the minimum wage, it does create some upward pressure on Congress. However, by the time they get there, many states will have already increased the minimum wage and the people Congress will be helping most will be in the most backward and reluctant states."

The findings of this article suggest several promising directions for future research. In particular, this article has focused on the basic minimum wage; other dimensions of state minimum wage policy include tipped minimum wages and subminimum wages. First, the federal minimum wage for tipped workers has been $2.13 since 1991. To date, more than half the states have adopted cash wages above $2.13, and seven have required employers to pay tipped employees the state's basic minimum wage (U.S. Department of Labor 2020). Second, the FLSA provides for the employment of certain individuals—such as the disabled—at wage rates below the minimum wage; however, a growing number of states has sought to abolish subminimum wages. Both aspects of minimum wage policy remain largely unstudied by political scientists. Scholars should investigate whether these provisions are subject to the same political dynamics as the basic minimum wage.

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Supplemental Material

Supplemental Material for this article is available online.

Notes

1. This figure includes Virginia, where a minimum wage increase approved in 2020 will go into effect starting in 2021.
2. Interview with Julie Kushner, September 12, 2020.
3. Interview with Cory McCray, August 20, 2020.
4. Those states are Idaho, Mississippi, North Dakota, Oklahoma, Utah, and Wyoming.

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