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To Whom it Concerns:

I am writing in testimony of my views on the proposed bill to raise the Minimum Wage in Alaska, HB-384. Let me first state that I am not necessarily against raising the minimum wage, but believe HB-384 takes it too far too soon.

I own and operate a non-medical in-home care company, Midnight Sun Home Care Inc. Since 2002 we've helped senior and vulnerable adults remain safely independent in their own homes for as long as possible. Aging in place has proven time and again to be one of the most cost effective ways to deliver quality care. It also honors the wishes the majority of Alaskans have about staying in their own homes versus Assisted Living or Nursing Homes.

I know that usually the last thing many want to hear about is the loss of income or profit to a company or non-profit. But in reality, whether for profit or not for profit, both must 'make money' in order to grow and survive and fulfill their missions.

Raising the minimum wage most often has a negative affect on those it is intended to help. There is overwhelming reporting that makes it clear raising the minimum wage doesn't lift people out of poverty and it dilutes performance based raises meant to encourage entry level workers to move up from those positions. Entry level positions weren't intended as a career choice. (ref; ALEC.org March 2014: Raising the Minimum Wage: The Effects on Employment, Businesses and Consumers.)

Separate from what I believe are the obvious reasons why raising the minimum wage in the manor which is being discussed, including increasing the gap from the federal minimum wage and including yearly inflation increases. My concern is what it will do to the costs of care for those elderly and vulnerable adults who depend on the care they need staying within reach.

Live-in care based on current labor laws and minimum wage creates a cost for a senior to receive in-home care equal to about half what it would cost them to be in a nursing facility and some assisted living homes. HB-384 would force the cost of care up approximately 34% by 2017, therefore strapping seniors who don't qualify for public assistance with even higher costs. That represents about 65 percent of the senior population in Alaska according to the most recent census. Add to that, the caregiving companion exemption going away January 1, 2015, (See Wage & Hour Fact Sheet #25)

Based on labor laws in Alaska, an individual that works more than 8 hours a day and more than forty hours in a week, regardless of what capacity must be paid overtime. For live-in care that's 8 hours of regular time and 16 hours of overtime for one 24 hour shift. Raising the minimum wage in this scenario means the cost of in-home care must increase accordingly to pay for the increased labor burdens and expenses, about 36% related to providing this care as an employer agency. In other words, the cost of care would rise to what is currently charged clients.

Bottom line: continually raising the cost of providing products and services for seniors causes them to run out of money much sooner. This totally defeats the value and cost savings of aging in place and forces more on to the Medicaid rolls.

I have included a model resolution that clearly lays out the facts why raising the minimum wage in the way HB-384 does will do more to hurt those it is intended to help should any of you be bold enough to use it.

Respectfully,

Kevin M. Turkington, CSA President



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Raising the Minimum Wage: The Effects on Employment, Businesses and Consumers

As the United States struggles to recover from the most recent recession, policymakers at the federal, state and local levels of government are considering solutions to help America's less fortunate. One suggestion gaining traction is to increase the minimum wage rate at federal and state levels. Despite good intentions, this proposal will hurt lower-income, less-experienced and less-educated Americans. Furthermore, it will place an additional burden on businesses, especially small business owners struggling in the current economy.

Minimum Wage: A Primer

C ongress instituted the federal minimum wage as part of the Fair Labor Standards Act (FLSA) in 1938. However, states and local government entities, such as cities and counties, have the authority to set their own minimum wages above the federal level. As a result, effective minimum wage rates vary across jurisdictions. Led by Washington state at \$9.32 per hour, Oregon at \$9.10 per hour and Vermont at \$8.73 per hour, 21 states and the District of Columbia have a minimum wage rate higher than the federal wage rate of \$7.25 per hour. Twenty states have wage rates equal to the federal wage rate. The remaining nine states have a lower wage rate, but employers must pay the higher federal rate.¹ In 2012, only 4.7 percent of hourly-paid employees earned the federal minimum wage or less.²

Employers will be forced to make tough decisions to absorb the mandated increase to production costs. This often takes the form of decreased hiring or reduced hours, which has negative employment effects in an already tough job market. Raising the minimum wage favors those who already have jobs at the expense of the unemployed. While some workers receive a marginal addition to their wages, others—usually less educated or experienced—are left unable to find employment.

Despite evidence that increasing the minimum wage negatively affects the people it is intended to help, advocates at the federal, state and local levels continue to call for increases. Recently, President Barack Obama raised the minimum wage for all federal contractors to \$10.10 per hour and called on Congress to raise the federal minimum wage for all employed people; advocates in states as diverse as Alaska, Idaho, Massachusetts, Maryland and South Dakota have lobbied for an increase to state wage rates; and surrogates for fast-food and retail workers have staged strikes to demand as much as \$15 per hour. These

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States	Minimum Wage
Alabama	N/A
Louisiana	N/A
Mississippi	N/A
South Carolina	N/A
Tennessee	N/A
Georgia	\$5.15
Wyoming	\$5.15
Minnesota	\$6.15
Arkansas	\$6.25
Delaware	\$7.25
Hawaii	\$7.25
Idaho	\$7.25
Indiana	\$7.25
lowa	\$7.25
Kansas	\$7.25
Kentucky	\$7.25
Maryland	\$7.25
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Oklahoma	\$7.25
Pennsylvania	\$7.25
South Dakota	\$7.25
Texas	\$7.25
Utah	\$7.25
Virginia	\$7.25
West Virginia	\$7.25
Wisconsin	\$7.25
Michigan	\$7.40
Maine	\$7.50
Missouri	\$7.50
New Mexico	\$7.50
Alaska	\$7.75
Arizona	\$7.90
Montana	\$7.90
Florida	\$7.93
Ohio	\$7.95
California	\$8.00
Colorado	\$8.00
Massachusetts	\$8.00
New York	\$8.00
Rhode Island	\$8.00
Illinois	\$8.25
Nevada	\$8.25
New Jersey	\$8.25
Connecticut	\$8.70
Vermont	\$8.73
Oregon	\$9.10
Washington	\$9.32

Source: United States Department of Labor, Wage and Hour Division

calls pose a serious threat to America's small businesses and to the very individuals the minimum wage is aimed to help.

As the minimum wage debate is brought to state legislatures around the country, policymakers must be prepared to engage an issue fraught with political landmines. This report provides facts about raising the minimum wage and gathers research to inform the debate.

Raising the minimum wage favors those who already have jobs at the expense of the unemployed.

The Employers: Increased Costs for Businesses

W hen the government imposes a higher minimum wage, employers face higher labor costs and are forced to respond by decreasing other production expenses.³ Some employers make labor-saving capital investments that reduce reliance on employees, decrease pay raises to employees that earn more than the minimum wage, or replace the lowest-skilled individuals with more highly skilled employees.⁴ Other firms may make adjustments such as reducing employees' hours, non-wage benefits or training.⁵

Businesses cannot afford to pay employees more than those employees produce on the aggregate. Employees who are paid the minimum wage earn that wage rate because they lack the productivity to command higher pay.⁶ Advocates of increasing the minimum wage rely on the idea that businesses are able but unwilling to pay higher wages to their employees. The hope is that these businesses will simply take a hit in their profits while employment and prices are negligibly affected. Unfortunately, most minimum wage earners work for small businesses, rather than large corporations.7 According to an analysis by the Employment Policies Institute, roughly half of the minimum wage workforce is employed at businesses with fewer than 100 employees, and 40 percent work at businesses with fewer than 50 employees.8 Small businesses face a very competitive market and often push profits as low as they can go to stay open. Minimum wage earners employed by large corporations would also be affected, because these corporations are under tremendous pressure from shareholders to keep costs low.

Last year, the California chapter of the National Federation of Independent Business (NFIB) projected the potential negative effects of the state's 2013 legislation that raises California's minimum wage rate to \$9 per hour in 2014 and again to \$10 by 2016.⁹ It estimated the increase to the wage rate would shrink the California economy by \$5.7 billion in the next 10 years and result in approximately 68,000 jobs being cut from the state. It further projected that 63 percent of the estimated 68,000 jobs lost would be from small businesses that could no longer afford to pay their employees.¹⁰

The bottom line is that someone must pay for the costs associated with an increased minimum wage. Often, because a business cannot pay these costs, they are paid for by the individuals the minimum wage is intended to help—low-skilled, undereducated individuals—as they lose out on job opportunities.

Higher Unemployment: Why raising the minimum wage negatively affects employment

U nder the basic neoclassical competitive market model—used most frequently to study the effects of the minimum wage—increasing the price of a good or service decreases demand for that good or service.¹¹ In the case of wage rates, if the government increases the price of labor by raising the minimum wage, employers will demand less of it.

Although most economic research since the advent of the minimum wage has found that increases to the minimum wage reduce employment, the effect of minimum wage laws on employment levels continues to be one of the most studied questions in economics.12 Earlier research examining the minimum wage's effects on employment used time-series data and variation in the national minimum wage. The results of this research show increases to the minimum wage tend to reduce employment levels. In the 1990s, however, economists began to use the variation in state minimum wage levels to determine the effect of minimum wage increases on employment. The results of the 1990s research were more controversial; some studies had similar results to earlier research, others found no effect or even significant positive effects on employment, and others showed even stronger negative effects of increasing the minimum wage.13

However, the main conclusion of more than seven decades of research is that minimum wage increases tend to reduce employment.¹⁴ One review by economists David Neumark and William Wascher shows that 63 percent of studies found relatively consistent evidence of negative employment effects on minimum wages.¹⁵ Further, 85 percent of what they deem the most reliable studies point to negative employment effects.¹⁶

Four Common Misconceptions of the Minimum Wage

Misconception: Raising the minimum wage will lift families out of poverty.

TRUTH: The problem plaguing America's poor is not low wage rates, but a lack of job opportunities. Minimum wage increases fail to alleviate poverty because they fail to address unemployment. Recent studies have shown that there is little to no relationship between an increased minimum wage and reductions in poverty.¹ These studies find that, although some lower-skilled workers living in poor families see their incomes rise when the minimum wage increases, others lose their jobs or have their hours substantially cut.⁴⁷

Misconception: Minimum wage earners are supporting families on their minimum wages alone.

TRUTH: Among adults 25 and older earning minimum wage, 75 percent live well above the poverty line of \$22,350 for a family of four, with an average annual income of \$42,500.^{III} This is possible because more than half of older minimum wage earners work part-time, and many are not the sole earners in their households.^{IV} In fact, 83.5 percent of employees whose wages would be increased by a minimum wage hike either live with parents or another relative, live alone, or are part of a dual-earner couple.^V Only 16.5 percent of individuals who would benefit from an increase to the minimum wage are sole earners in families with children.^{VI}

3} **Misconception:** Minimum wage increases stimulate the economy through increased consumer spending.

TRUTH: Research has found no link between an increased minimum wage and economic growth. One study found that, while minimum wage increases have no effect on GDP generated by more highly-skilled industries, there may be small to modest declines in GDP generated by lower-skilled industries.^{vii}

Misconception: Minimum wage earners are trapped in poverty.

TRUTH: Minimum wage jobs are viewed by many as the first step in a long career path. Nearly two-thirds of minimum wage earners gain pay raises within the first year of employment.^{viii} From 1981 to 2004, the median annual growth in wages for minimum wage employees was nearly six times that of employees earning more than the minimum wage.^{ix}

(Footnotes)

Sabia, Joseph J, and Richard V. Burkhauser. "Minimum Wages and Poverty: Will a \$9.50 Federal Minimum Wage Really Help the Working Poor?" Southern Economic Journal. 2010. 76 (3), 594. Ibid.

- Sherk, James. "Who Earns the Minimum Wage? Suburban Teenagers, Not Single Parents." The Heritage Foundation. February 28, 2013. Available: http:// www.heritage.org/research/reports/2013/02/who-earns-the-minimum-wage-suburban-teenagers-not-single-parents.
- Employment Policies Institute. "5 Things You Didn't Know About the Minimum Wage." Available at http://www.epionline.org/minimum-wage/
- vi. Ibid.
 - vii. Sabia, Joseph. "Failed Stimulus: Minimum Wage Increases and Their Failure to Boost Gross Domestic Product." Employment Policies Institute. December 2010.
 - viii. Even, William and David Macpherson. "Wage Growth Among Minimum Wage Workers." June 2004. http://www.epionline.org/studies/macpherson_06-2004.pdf. iv Ibid
- ix. Ibid

A recent study by the Heritage Foundation concluded that the current proposal before Congress to raise the federal minimum wage from \$7.25 to \$10.10 per hour would likely eliminate an estimated 300,000 jobs per year and lower the national gross domestic product by an average of \$40 billion per year.¹⁷

The negative effects on employment are likely to be more profound in the long run, as employers shift to labor-saving methods of production when labor costs rise.¹⁸ ATMs have replaced many bank tellers, cashiers have been swapped for self-serve checkouts at grocery and convenience stores, and gas jockeys have been eliminated in most areas where they are not legally mandated. In occupations where most work is repetitive, it is cost-effective for an employer to respond to higher labor costs by substituting technology for employees. This means occupations consisting of routine tasks—the jobs most likely to be held by less experienced and less educated individuals—are also the most likely to be replaced by technology as employers make investments to adapt to higher labor costs associated with an increased minimum wage.

"What you are doing is to assure that people whose skills are not sufficient to justify that kind of wage will not be employed. Minimum wage law is most properly described as a law saying employers must discriminate against people who have low skills." – Milton Friedman

Even if employers do not decrease hiring, they will respond to higher labor costs by replacing the lowest-skilled individuals with more highly-skilled employees, which prices inexperienced workers out of the market. Further, the higher pay attracts more affluent individuals to enter the low-wage labor market, such as teenagers from well-off families or adults looking to provide a secondary income to their households. The increased labor supply makes it even more difficult to secure minimum wage jobs for those who most need them. According to testimony provided by James Sherk of the Heritage Foundation, after minimum wage levels increase, businesses employ more teenagers living in affluent zip codes and fewer teenagers from lower-income zip codes.¹⁹



Although increases to the minimum wage encourage more teenagers to attempt to join the workforce, mandated wage increases limit the number of job opportunities available to them at a time when teenage unemployment rates are already at a staggering 20 percent.²⁰ For many young people looking for a job, the primary value that employment provides is on-the-job training, rather than the initial low pay. More than 60 percent of young employed earners are enrolled in school during non-summer months, and for 79 percent of them, it is a part-time job.²¹ Minimum wage jobs can often serve as a stepping stone to later career goals, so young earners are often more likely to need experience in basic job skills than a small wage increase. Increasing the minimum wage and removing job opportunities from teenagers and young adults could suppress their wage-earning abilities later in life when they are more likely to need their wages to support a family.²²

The effects on employment are even more pronounced for minority youth. A 10 percent increase in the minimum wage decreases minority employment by 3.9 percent, with the majority of the burden falling on minority youth whose employment levels will decrease by 6.6 percent.²³

Inflationary Effects: Artificially higher prices hurt consumers

wever, negative employment effects are not the only consequence of raising the minimum wage. Employers often cannot fully absorb the costs of an increased mandated wage rate by cutting their workforce because they need that labor to successfully run their businesses. Employers are forced to turn to other methods to protect their bottom line and stay in business.

The costs of a minimum wage hike are often passed on to consumers in what economist Daniel Aaronson calls "price pass-through." In a study of prices in the restaurant and fast food industry-an industry that heavily employs and serves low-wage earners-Aaronson, French and MacDonald found an increase in the minimum wage also increases the prices of food items.²⁴ Using data from the Consumer Price Index (CPI) from 1995 to 1997, the economists examined 7,500 food items (usually a complete meal) from 1,000 different establishments in 88 different geographic areas. They found the increase in menu prices affected limited service restaurants the hardest. These are restaurants where most diners pay at the counter and take their food home with them. These restaurants are also more likely to employ low-wage workers and thus more likely to have their business costs rise as a result of a minimum wage increase. The study found that in these instances, almost 100 percent of the increase in labor costs is passed on to consumers in the form of higher prices.²⁵



These results are consistent with most of the economic literature on the subject. Sara Lemos of the Institute for the Study of Labor (IZA) looked at more than 20 papers on the subject and found that most studies predicted a 10 percent increase in the minimum wage would result in a 4 percent increase in food prices and a 0.4 percent increase in prices overall.²⁶

Unfortunately, the businesses hit hardest by an increase to the minimum wage are not only the types of places where low-income people are employed, but also businesses frequented by low-income consumers. Food prices are of particular importance to people living near or below the poverty line as they tend to spend a greater percentage of their family budget on food.

The low-wage employees who experience an increase to their wages due to a minimum wage increase will have the benefit of higher wages largely offset by higher prices. Additionally, non-minimum wage earners will face higher prices without the corresponding increase in wages. Thus, they will likely cut back spending to compensate. These cutbacks in spending may also result in substitutions toward cheaper, lower quality goods.

Daniel Aaronson and Eric French predicted a \$25 billion drop in spending from those earning above minimum wage if the minimum wage was increased from \$7.25 to \$9.00 per hour.²⁷ It is worth noting that overall they expect spending to rise in the short run (due to increased spending from minimum wage earners), but they also expect GDP to remain constant in the long run.

Conclusion: Increasing the Minimum Wage Will Hurt the Exact People it is Meant to Help

P roponents of minimum wage increases often justify their support for the policy with the belief that it will raise America's least fortunate out of poverty. However, past minimum wage increases have not helped achieve this goal.²⁸ Although helping the poor is a worthy pursuit for policymakers, if the goal is to help the poor, raising the minimum wage is an inefficiently targeted policy.

Recent studies have shown that there is little to no relationship between increases in the minimum wage and reductions in poverty.29 These studies find that, although some lower-skilled workers living in poor families see their incomes rise when the minimum wage increases, others lose their jobs or have their hours substantially cut.³⁰ Economists Joseph Sabia and Richard Burkhauser found that workers living in households below the poverty line received few of the benefits of past minimum wage increases. Even assuming that no minimum wage workers are laid off or have their hours reduced, they found only 10.5 percent of the benefits of a potential federal minimum wage increase would go to individuals living below the poverty line. More than 60 percent of the benefits would help families living at more than 200 percent of the poverty level.³¹ A recent Congressional Budget Office (CBO) report examining the proposed federal minimum wage increase to \$10.10 by 2016 found that, although the proposal would move approximately 900,000 people above the poverty threshold (of the estimated 45 million currently below that threshold), just 19 percent of the increased earnings would go to families below the poverty line.³² The same report found that an increase to \$10.10 would reduce total employment by approximately 500,000 workers.33

The problem plaguing America's poor is not low wages, but rather a shortage of jobs.

The problem plaguing America's poor is not low wages, but rather a shortage of jobs.³⁴ At a time when the nation's workforce participation is only 62.8 percent, policymakers must avoid policies that destroy job opportunities.³⁵ Increasing the minimum wage does nothing to help the unemployed poor. In fact, as discussed above, it hurts individuals looking for employment as it decreases available job opportunities.

So, who is helped by an increase to the minimum wage?

According to a 2012 report from the Bureau of Labor Statistics, although workers under age 25 represented only 20 percent of hourly wage earners, they made up just over half (50.6 percent) of all minimum wage earners.³⁶ The average household income of these young minimum wage earners was \$65,900.³⁷ Among adults 25 and older earning the

minimum wage, 75 percent live well above the poverty line of \$22,350 for a family of four, with an average annual income of \$42,500.³⁸ This is possible because more than half of older minimum wage earners work part-time and many are not the sole earners in their households.³⁹ In fact, 83.5 percent of employees whose wages would rise due to a minimum wage increase either live with parents or another relative, live alone, or are part of a dual-earner couple.⁴⁰ Only 16.5 percent of individuals who would benefit from an increase to the minimum wage are sole earners in families with children.⁴¹

With national unemployment still hovering around 7 percent, national, state, and local demands for an increased minimum wage could not be more ill-timed.⁴² Increasing the minimum wage would make it more difficult for emerging businesses to expand payrolls and for existing businesses to maintain employees. Further, a higher wage rate would make it more difficult for individuals with less education and experience to find work. Raising the minimum wage favors those who already have jobs at the expense of the unemployed.

Public policy would be more beneficial if it lowered barriers to entry for employment and increased economic opportunities. Raising the minimum wage may be a politically attractive policy option, but it is harmful to the very people policymakers intend it to help.

(Endnotes)

- 1 United States Department of Labor, Wage and Hour Division (WHD). Minimum Wage Laws in the States. January 1, 2014.
- 2 U.S. Department of Labor, Bureau of Labor Statistics. *The Editor's Desk, Minimum wage workers account for 4.7 percent of hourly paid workers in 2012*. Available: http://www.bls.gov/opub/ted/2013/ted_20130325.htm.
- 3 Wilson, Mark. "The Negative Effects of Minimum Wage Laws." Cato Institute. June 21, 2012.
- 4 Ibid.
- 5 Schmitt, John. "Why Does the Minimum Wage Have No Discernable Effect on Employment?" Center for Economic and Policy Research. February 2013.
- 6 Sherk, James and John Ligon. "Unprecedented Minimum-Wage Hike Would Hurt Jobs and the Economy." *Heritage Foundation*. Issue Brief 4102. Available: http://www.heritage.org/research/reports/2013/12/unprecedented-minimum-wage-hike-would-hurt-jobs-and-the-economy#_ttnref11.
- 7 Employment Policies Institute, "Most Minimum Wage Earners Don't Work for Large Corporations", Oct. 2013, Available: http://www.minimumwage.com/2013/10/ most-minimum-wage-earners-dont-work-for-large-corporations/.
- 8 Saltsman, Michael. "Who Really Employs Minimum Wage Workers?" The Wall Street Journal. October 29, 2013.
- 9 CA AB 10 (2013). Available at http://legiscan.com/CA/text/AB10/2013.
- 10 Chow, Michael J. "Economic Effects of a California Minimum Wage Increase: An Econometric Scoring of AB 10". *National Federation of Independent Business*. March 8, 2013. Available: http://www.nfib.com/LinkClick.aspx?fileticket=zQxnYkqQWV0%3d&tabid=1083.
- 11 Wilson, Mark. "The Negative Effects of Minimum Wage Laws." Cato Institute. June 21, 2012.
- 12 Ibid.
- 13 Neumark, David. "Minimum Wage Effects in the Post-welfare Reform Era." *Employment Policies Institute*. January 2007. Available at http://www.epionline.org/studies/Neumark_2007.pdf.
- 14 Wilson, Mark. "The Negative Effects of Minimum Wage Laws." *Cato Institute*. June 21, 2012. Available: http://www.cato.org/publications/policy-analysis/negative-effects-minimum-wage-laws.

15 Neumark, David and William L. Wascher. Minimum Wages. 2010. p. 39.

16 Ibid.

- 17 Sherk, James and John Ligon. "Unprecedented Minimum-Wage Hike Would Hurt Jobs and the Economy." *Heritage Foundation*. Issue Brief 4102. Available: http://www.heritage.org/research/reports/2013/12/unprecedented-minimum-wage-hike-would-hurt-jobs-and-the-economy# ftnref11.
- 18 Id. at p. 63.
- 19 Sherk, James. "What is Minimum Wage: Its History and Effects on the Economy—Questions for the Record." U.S. Senate Committee on Health, Education, Labor and Pensions. January 25, 2013.
- 20 U.S. Department of Labor, Bureau of Labor Statistics. Labor Force Statistics from Current Population Survey. January 10, 2014. Available: http://www.bls.gov/web/ empsit/cpseea10.htm.
- 21 Sherk, James. "Who Earns the Minimum Wage? Suburban Teenagers, Not Single Parents." *The Heritage Foundation*. February 28, 2013. Available: http://www. heritage.org/research/reports/2013/02/who-earns-the-minimum-wage-suburban-teenagers-not-single-parents.
- 22 Neumark, David and William Wascher. "Minimum Wages and Employment: A Review of Evidence from the New Minimum Wage Research." National Bureau of Economic Research. November 2006. p. 223.
- 23 Neumark, David. "Minimum Wage Effects in the Post-welfare Reform Era." Employment Policies Institute. January 2007.
- 24 Aaronson, Daniel, Eric French and James MacDonald. "The Minimum Wage, Restaurant Prices, and Labor Market Structure." *Federal Reserve Bank of Chicago*. August 2007. Available: http://papers.srn.com/sol3/papers.cfm?abstract_id=630515.
- 25 Ibid.
- 26 Lemos, Sara. "The Effect of the Minimum Wage on Prices." The Institute for the Study of Labor. March 2004, Available: http://ftp.iza.org/dp1072.pdf.
- 27 Daniel Aaronson and Eric French. "How Does a Federal Minimum Wage Hike Affect Aggregate Household Spending?" The Federal Reserve Bank of Chicago. August 2013. Available: http://www.chicagofed.org/digital_assets/publications/chicago_fed_letter/2013/cflaugust2013_313.pdf.
- 28 Sabia, Joseph and Robert Nielsen. "Can Raising the Minimum Wage Reduce Poverty and Hardship?" Employment Policies Institute. April 2012.
- 29 Sabia, Joseph J. and Richard V. Burkhauser. "Minimum Wages and Poverty: Will a \$9.50 Federal Minimum Wage Really Help the Working Poor?" Southern Economic Journal. 2010. 76 (3), 594.
- 30 Ibid.
- 31 Sabia, Jospeh and Richard Burkhauser "Minimum Wages and Poverty: Will the Obama Proposal Help the Working Poor?" Employment Policies Institute. September 2008. Available: http://www.epionline.org/studies/sabia_burkhauser_09-2008.pdf.
- 32 Congress of the United States, Congressional Budget Office. The Effects of Minimum-Wage Increase on Employment and Family Income. February 18, 2014. Available: http://www.cbo.gov/sites/default/files/cbofiles/attachments/44995-MinimumWage.pdf.
- 33 Ibid.
- 34 Sherk, James. "Who Earns the Minimum Wage? Suburban Teenagers, Not Single Parents." *The Heritage Foundation*. February 28, 2013. Available: http://www. heritage.org/research/reports/2013/02/who-earns-the-minimum-wage-suburban-teenagers-not-single-parents.
- 35 Department of Labor, Bureau of Labor Statistics. Databases, Tables, and Calculators by Subject. January 30, 2014, Available: http://data.bls.gov/timeseries/ LNS11300000.
- 36 Department of Labor, Bureau of Labor Statistics. "Characteristics of Minimum Wage Workers: 2012." February 26, 2013, Available: http://www.bls.gov/cps/minwage2012.pdf.
- 37 Sherk, James. "Who Earns the Minimum Wage? Suburban Teenagers, Not Single Parents." The Heritage Foundation. February 28, 2013. Available: http://www. heritage.org/research/reports/2013/02/who-earns-the-minimum-wage-suburban-teenagers-not-single-parents.
- 38 Ibid.
- 39 Ibid.
- 40 Employment Policies Institute. "5 Things You Did Not Know About the Minimum Wage." Available: http://www.epionline.org/minimum-wage/.
- 41 Ibid.
- 42 Department of Labor, Bureau of Labor Statistics, Databases, *Tables, and Calculators by Subject*, January 30, 2014. Available: http://data.bls.gov/timeseries/ LNS14000000.



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Fact Sheet #25: Home Health Care and the Companionship Services Exemption Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the FLSA companionship services exemption in the home health care industry. The following information applies to the home health care industry until January 1, 2015. As of that date, revised regulations regarding the companionship services become effective. For information on the new regulations see Fact Sheet: Application of the Fair Labor Standards Act to Domestic Service; Final Rule. The following information applies to the home health care industry until the new regulations are in effect.

Characteristics

Employers who provide home health care services for individuals who (because of age or infirmity) are unable to care for themselves may or may not be required to pay minimum wage and/or overtime premium pay depending upon the type of services provided and the nature of the working relationship. Employees providing "companionship services" as defined by the FLSA need not be paid the minimum wage or overtime. Trained personnel such as nurses, whether registered or practical, are not exempt from minimum wage or overtime under the exemption for companions, but registered nurses may be exempt as professionals. Certified nurse aides and home health care aides may be considered exempt from the FLSA's wage requirements depending upon the nature of their work. Please see Fact Sheet #17N for additional information on nursing exemptions.

Requirements

Persons employed in domestic service in households are covered by the FLSA. Nurses, certified nurse aides, home health care aides, and other individuals providing home health care services fall within the term "domestic service employment."

An employee who performs companionship services in or about the private home of the person by whom he/she is employed is exempt from the FLSA's minimum wage and overtime requirements if all criteria of the exemption are met. "Companionship services" means services for the care, fellowship, and protection of persons who because of advanced age or physical or mental infirmity cannot care for themselves. Such services include household work for aged or infirm persons including meal preparation, bed making, clothes washing and other similar personal services. General household work is also included, as long as it does not exceed 20 percent of the total weekly hours worked by the companion. Where this 20 percent limitation is exceeded, the employee must be paid for all hours in compliance with the minimum wage and overtime requirements of the FLSA.

The term "companionship services" does not include services performed by trained personnel such as registered or practical nurses. Registered nurses are exempt from the FLSA's wage requirements where their time is spent in the performance of the duties of a nurse and are paid on a salary or a "fee basis" as defined by Regulations, 29 CFR Part 541.

Individuals other than trained personnel (such as nurses) who attend to invalid infants and young children are considered companions, rather than babysitters, and their status may thus be within the companion exemption.

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Covered domestic service employees who reside in the household where they are employed are entitled to the minimum wage but may be exempt from the Act's overtime requirements.

Typical Problems

An employee hired as a companion to an aged individual with a physical infirmity spends more than 20 percent of his/her time doing general household work. That person must be paid at least the minimum wage and one and one-half the regular rate of pay for hours in excess of forty in a workweek.

An employee who provides care and protection for minor children, where the children are not physically or mentally infirm, must be paid the minimum wage_and proper overtime compensation. This activity would not constitute exempt companionship services.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <u>http://www.wagehour.dol.gov</u> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the Department's regulations.

U.S. Department of Labor Frances Perkins Building 200 Constitution Avenue, NW Washington, DC 20210 1-866-4-USWAGE TTY: 1-866-487-9243 <u>Contact Us</u>

Resolution in Opposition to any Increase in the Starting (Minimum) Wage

Summary

The Resolution in Opposition to Any Increase in the Starting (Minimum) Wage recognizes that increasing the starting (minimum) wage is counterproductive. An increase in the starting wage makes it more difficult for employers to bring teenagers, entry-level workers, and others who need job experience, into the workforce where they can gain skills, training and confidence.

Model Resolution

WHEREAS, increasing the starting wage results in higher costs for business owners, which leads to higher prices for consumers; and

WHEREAS, increases in prices has an adverse impact on everyone, especially those on limited budgets, while an increase in the starting wage only temporarily benefits a few; and

WHEREAS, over three-fourths of all economists agree that increasing the starting wage leads to a reduction in job opportunities; and

WHEREAS, starting wage jobs provide millions of teenagers and others the value of a work ethic, how to work as a team, how to show up on time, dress for a job and more, without the need of a government grant or subsidy; and

WHEREAS, 60 percent of current restaurant managers and owners got their start in entry-level restaurant jobs, washing dishes, busing tables, and waiting on customers; and

WHEREAS, a majority of starting wage workers are secondary workers in moderate or middle income families, or primary workers in families with other significant sources of income; and

WHEREAS, 70 percent of starting wage workers are in families well above the poverty level, with nearly 40 percent in families in the top half of the income distribution; and

WHEREAS, less than 6.5 percent of starting wage workers are single parents, male or female, and only about half of these single parents work full time; and

WHEREAS, even the Association of Community Organizations for Reform (ACORN), a prime supporter of raising the starting wage, has recognized that starting wages have a negative affect on employment opportunities, as evidenced by its lawsuit against the State of California which alleges the state's starting wage is unconstitutional because it limits the number of activists the organization is able to employ; and

WHEREAS, the most vulnerable to job losses include unskilled, inner-city minorities, who most need the opportunity to develop skills; and

WHEREAS, studies show that increasing the starting wage has no impact on pulling people out of poverty, since only 9.2 percent of poor people of working age are employed full-time, while 60 percent do not work at all; and

WHEREAS, employers use starting wage jobs to provide millions of Americans with real on-the-job training which employees need to move on to higher wages and develop better skills and more responsibilities; and

WHEREAS, starting wage employment is largely tied to work experience, with more than 26 percent of teenagers aged 16-17 working at the starting wage, while less than 8/10ths of one percent of persons 40 or over earn the starting wage; and

WHEREAS, when people are hired at the starting wage, they usually lack skills and knowledge, but as they acquire skills and knowledge, their wages go up — thus, studies show that 63 percent of workers at the starting wage will earn higher wages within 12 months, with the median raise being 20 percent; and

WHEREAS, studies show that increasing starting wages lures high school students into the full-time work force, resulting in an increase in high school drop-out rates; and

WHEREAS, many people statistically categorized as starting wage workers, actually make much more than the starting wage when tips are taken into consideration — in fact, 63 percent of all restaurant employees earning the starting wage also earn tips; and

WHEREAS, increasing the starting wage represents an unfunded mandate on business by the government, and disproportionately makes it difficult for small business — the engine of job creation — to hire new employees; and

WHEREAS, individual states that seek to approve mandated increases in the starting wage run the risk of losing their ability to economically compete with neighboring states, and;

WHEREAS, the forces of supply and demand are more than capable of determining wage levels, taking into consideration regional differences, such as the cost of living and available workforce;

NOW THEREFORE BE IT RESOLVED, that the State of Alaska affirms the principle that increasing the starting wage is counterproductive, because it mainly helps middle class families and adversely affects the working poor by increasing their expenses, while decreasing their opportunities;

BE IT FURTHER RESOLVED, that increasing the starting wage makes it more difficult for employers to bring teenagers, entry-level workers, and others who need job experience, into the workforce, where they can gain skills, training and confidence.