

No. 17-11009

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

MARNIKA LEWIS, *et al.*,

Plaintiffs-Appellants,

v.

STATE OF ALABAMA, *et al.*,

Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of Alabama
Case No. 2:16-cv-690-RDP (Hon. R. David Proctor)

**BRIEF OF *AMICI CURIAE* MAYORS KASIM REED, ANDREW GILLUM,
KAREN FREEMAN-WILSON, AND OLIVER G. GILBERT III, AND
LOCAL PROGRESS
IN SUPPORT OF APPELLANTS SEEKING REVERSAL**

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AMICI CURIAE'S CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1, and Eleventh Circuit Rules 26.1 and 28-1(b) *Amici Curiae* submit the following Certificate of Interested Persons:

1. Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, *Amicus* Local Progress states that it is a private 501(3)(3) non-profit organization, that it is not a publicly held corporation or other publicly held entity, and that it has no parent corporation. No publicly held corporation or other publicly held entity owns ten percent (10%) or more of any *Amicus* organization.
2. The following individuals and entities, in addition to the individuals and entities listed in Plaintiffs-Appellants' Opening brief, have an interest in the outcome of this appeal:
 - a. Freeman-Wilson, Karen, *Amicus Curiae*;
 - b. Lee, Bill Lann, Civil Rights Education and Enforcement Center, counsel for *Amici Curiae*;
 - c. Local Progress, *Amicus Curiae*;
 - d. Reed, Kasim, *Amicus Curiae*; and
 - e. Robertson, Amy F., Civil Rights and Education Center, counsel for *Amici Curiae*.

IDENTITY AND INTEREST OF *AMICI CURIAE*¹

Amici file this brief in support of Plaintiffs-Appellants pursuant to Rule 29(a) of the Federal Rules of Appellate Procedure to bring to the Court's attention expert social science studies and other judicially noticeable materials that shed light on the importance for local mayors and other elected officials to be able to respond to local economic conditions by raising the wage floor in their cities and counties, especially in cases where the state government has failed to act. As *amici* explain below, other cities or counties, in addition to Birmingham, have raised local minimum wages for low-wage workers in order to address the high local cost of living, and recent social science studies have shown that such higher local minimum wages have raised wages for low-wage workers to encourage economic development without slowing job growth or pushing businesses to close or relocate.

Mayor Mohammed Kasim Reed is the Mayor of the City of Atlanta, Georgia. Approximately 54% of Mayor Reed's constituents are African American and the historical legacy of race discrimination has caused the city to have one of

¹ Pursuant to Fed. R. App. P. 29(c)(5), amici state that no party's counsel wrote this brief in whole or in part and that no person (other than counsel for amici) contributed money that was intended to fund preparing or submitting the brief.

the nation's highest income gaps. Mayor Reed has championed numerous policies to raise wages for the city's low-income residents during his two-terms in office. Mayor Reed used the power of executive order to increase the minimum wage for city employees. However, a wage preemption law enacted by Georgia's General Assembly has blocked Mayor Reed from pursuing similar increases for Atlanta's private sector employees.

Andrew Gillum is the Mayor of Tallahassee, Florida. Approximately 35% of Mayor Gillum's constituents are African American and his city is located in Leon County, which has one of the highest poverty rates in the state. Mayor Gillum has made defending local control a priority throughout his tenure in office and he is the founder of the grassroots group Campaign to Defend Local Solutions. The power to raise the minimum wage is one of the key issues that Mayor Gillum has advocated be reserved for cities and counties.

Mayor Karen Freeman-Wilson is the Mayor of Gary, Indiana. Gary is a majority African American city in Indiana. Mayor Freeman-Wilson has made reducing poverty a core focus of her economic platform by advocating for increasing the minimum wage and recognizing the importance of having the flexibility to raise the minimum wage on the local level to address local economic conditions.

Mayor Oliver G. Gilbert III is the Mayor of Miami Gardens, a city of 113,058 people in Miami-Dade County, Florida. At 23 percent, the city's poverty rate is high, well above 13.5 percent national average. Roughly 74 percent of the population of Miami Gardens is African-American, and nearly 30 percent of the African American population in Miami-Dade County falls below the federal poverty line. Mayor Gilbert advocates for an increase in the minimum wage to raise the standard of living and quality of life for the residents in Miami Gardens. However, the State of Florida currently preempts cities from passing minimum wage ordinances.

Local Progress is an organization of over 400 local elected officials from 40 states committed to developing and sharing policy solutions to the toughest issues confronting municipal government. Membership includes a number of city councilmembers representing majority black, high-poverty constituencies in cities across the South, such as Mobile, Alabama, Miami, Florida, and Durham, North Carolina. Creating local legislative solutions to address income inequality is one of Local Progress's key initiatives. Local Progress has an interest in this case as it has specifically identified local minimum wage legislation as an essential policy to lift working families out of poverty.

All parties have consented to the filing of *amicus curiae* briefs in this case.

STATEMENT OF THE ISSUE

Whether the district court's decision dismissing the Plaintiffs' amended complaint erroneously disregarded allegations of the importance of a minimum wage increase to African-American workers and the disparate racial impact of preventing local governments from regulating the minimum wage.

SUMMARY OF ARGUMENT

Amici demonstrate that a growing number of cities and counties across the country are adopting local minimum wage laws that set a minimum wage higher than state or federal law. Particularly in a state like Alabama, where the minimum wage has remained stagnant at \$7.25 per hour since 2009 even as the cost of living has increased, these municipalities' actions are necessary in the face of state and federal inaction. To date, more than forty cities or counties have enacted higher local minimum wage laws, the vast majority of these localities having adopted minimum wage rates higher than the \$10.10 per hour rate adopted by the City of Birmingham. The move to adopt local minimum wages is reflective of the fact that the cost of living is usually not uniform within a state, and that the state minimum wage should simply be a floor upon which areas with a higher cost of living should be able to legislate higher wages, as Birmingham did, in response to local conditions.

Amici also demonstrate that the state's preemption law has a disproportionate effect on African Americans in Birmingham, who would have benefited most from a minimum wage increase.

Last, extensive economic research and anecdotal evidence shows that higher local minimum wages have raised wages for local low-wage workers without slowing job growth or pushing businesses to close or relocate. *Amici* summarize twenty years of economic research showing that increasing the minimum wage is not linked to significant job losses, and, in fact, business owners stand to benefit from a higher minimum wage through a reduction in turnover costs, increases in productivity, and increases in consumer spending. As more and more cities enact local minimum wages, their experiences further support the conclusion that preservation of local power to regulate the minimum wage is economically and socially beneficial.

ARGUMENT

I. A GROWING NUMBER OF CITIES ACROSS THE U.S. ARE ADOPTING HIGHER LOCAL MINIMUM WAGES TO ADDRESS LOCAL NEEDS

Over the past decade, a growing number of U.S. cities have pursued higher minimum wages at the local level. Looking to local government for solutions to economic and social problems is part of a growing trend of local policymaking

galvanized by the Great Recession and the gridlock of state and national politics.² The trend spans a wide range of areas, as both Congress and state legislatures frequently find themselves unable, or unwilling, to respond to significant public needs of localities, especially the needs of minority communities.

According to a 2015 poll conducted by Hart Associates, 75 percent of Americans support an increase in the federal minimum wage to \$12.50 per hour by 2020, and almost two-thirds (63 percent) support an even higher increase of the federal minimum wage to \$15 by 2020.³ Despite recent proposals in Congress⁴ that would have raised the federal minimum wage, legislators have failed to raise the federal minimum wage of \$7.25 per hour. Nor have state legislators in Alabama acted to fill this void—Alabama is just one of five states that has no state minimum wage law, meaning that workers in the state (provided they are covered under the federal Fair Labor Standards Act) are currently entitled only to \$7.25 per hour.⁵ In

² Nancy Cook, *Americans Prefer Their Solutions Locally Sourced*, The Atlantic, Mar. 14, 2015, available at <https://www.theatlantic.com/business/archive/2015/03/americans-prefer-their-solutions-locally-sourced/387631/>.

³ National Employment Law Project, *New Poll Shows Overwhelming Support for Major Minimum Wage Increase*, Jan. 2015, available at <http://campaign.nelp.org/page/-/rtmw/Minimum-Wage-Poll-Toplines-Jan-2015.pdf>.

⁴ See S. 1242, 115th Cong., (2015–2016); H.R.15, 115th Cong., (2017–2018).

⁵ United States Department of Labor, *Minimum Wage Laws in the States – January 2017*, available at <https://www.dol.gov/whd/minwage/america.htm>.

(continued...)

this context, Birmingham residents and policymakers looked for policy change locally.

As many states have been unwilling to raise wages in a way that truly reflects the needs of their cities and residents, local governments have had to take steps to protect the health and welfare of their residents. Although the majority of local minimum wage increases have taken place in the last four years,⁶ citywide minimum wage ordinances have been a legal and economic tool for policymakers for over a decade.⁷ In an effort to respond to higher local living costs and to bring the minimum wage closer to a living wage level, these laws have proven, both legally and economically, that it is feasible to raise wages in accordance with economic indicators.⁸ These increases have taken place in more than forty cities and counties and in more than twenty states across the country.⁹ Some examples include:

⁶ National Employment Law Project, *Fight for \$15's Four-Year Impact: \$62 Billion in Raises For America's Workers* (Nov. 2016), available at <http://www.nelp.org/news-releases/fight-for-15s-four-year-impact-62-billion-in-raises-for-americas-workers/>.

⁷ See National Employment Law Project, *City Minimum Wage Laws: Recent Trends and Economic Evidence* (Apr. 2016), available at <http://www.nelp.org/content/uploads/City-Minimum-Wage-Laws-Recent-Trends-Economic-Evidence.pdf>.

⁸ *Id.*

⁹ *Id.*

(continued...)

Figure 1: Selected City Minimum Wage Ordinances in the U.S.¹⁰

City/County	Year Passed	Minimum Wage
Santa Fe, New Mexico	2003	\$9.50 by 2006 (Current: \$10.91)
San Francisco, California	2003 2014	\$12.25 by 2015 \$15.00 by 2018 (Current: \$13.00)
Albuquerque, New Mexico	2012	\$8.50 by 2013 (Current: \$8.80 with benefits/\$7.80 without benefits)
San Jose, California	2012 2016	\$10.00 by 2013 \$15.00 by 2019 (Current: \$10.50)
Bernalillo County, New Mexico	2013	\$8.50 by 2014 (Current: \$8.70)
Washington, D.C.	2013 2016	\$11.50 by 2016 \$15.00 by 2020 (Current: \$11.50)
Montgomery County, Maryland	2013	\$11.50 by 2017 (Current: \$10.75)
Prince George's County, Maryland	2013	\$11.50 by 2017 (Current: \$10.75)
SeaTac, Washington	2013	\$15.00 by 2014 (Current: \$15.35)
Las Cruces, New Mexico	2014	\$10.10 by 2019 (Current: \$9.20)
Santa Fe County, New Mexico	2014	\$10.66 by 2014 (Current: \$10.91)
Mountain View, California	2014 2015	\$10.30 by 2015 \$15.00 by 2018 (Current: \$13.00)
Oakland, California	2014	\$12.25 by 2015 (Current: \$12.86)
Richmond, California	2014	\$13.00 by 2018 (Current: \$12.30)

¹⁰ Complete list on file with author and current as of June 8, 2017.

City/County	Year Passed	Minimum Wage
Chicago, Illinois	2014	\$13.00 by 2019 (Current: \$10.50)
Seattle, Washington	2014	\$15.00 by 2017–21 (Current: \$15.00 for large employers with no medical benefits; \$13.50 for large employers with medical benefits; \$13.00 for small employers with no medical benefits; \$11.00 for small employers with medical benefits)
Los Angeles, California	2015	\$15.00 by 2020–21 (Current: \$10.50 for large employers; \$10.00 for small employers)
Portland, Maine	2015	\$10.68 by 2017 (Current: \$10.68)
Palo Alto, California	2015 2016	\$11.00 by 2016 \$15 by 2019 (Current: \$12.00)
Sacramento, California	2015	\$12.50 (2020) (Current: \$10.50 for large employers; \$10.00 for small employers)
Tacoma, Washington	2015	\$12.00 by 2018 (Current: \$11.15)
Bangor, Maine	2015	\$9.75 by 2019 (Current: \$9.00, which is the state level)
Flagstaff, Arizona	2016	\$15.00 by 2021 (Current: \$10.00)
San Diego, California	2016	\$11.50 by 2017 (Current: \$11.50)
Miami Beach, Florida	2016	\$13.31 by 2021 (Current: \$8.10, which is the state level)

City/County	Year Passed	Minimum Wage
Cook County, Illinois	2016	\$13.00 by 2020 (Current: \$8.25, which is the state level)

II. THE STATE’S DECISION TO INVALIDATE BIRMINGHAM’S MINIMUM WAGE LAW UNDERMINED LOCAL POLICYMAKERS’ ABILITY TO RESPOND TO PRESSING LOCAL ECONOMIC CONDITIONS AND DISPROPORTIONATELY IMPACTED LOCAL AFRICAN AMERICAN WORKERS

Local minimum wage policy recognizes that the cost of living is not uniform across a given state, and the state minimum wage should simply be a floor upon which higher cost areas should be able to legislate local higher wages, if needed.

In Alabama, for example, the National Low Income Housing Coalition estimates that workers in the Birmingham-Hoover metro area need to earn an hourly wage of \$13.96 just to be able to afford a one bedroom apartment, while in non-metro Alabama, the hourly wage needed is \$8.83.¹¹ The hourly wages needed for a 2 bedroom apartment in the Birmingham-Hoover metro area and non-metro Alabama are \$16.15 and \$11.22, respectively.¹²

¹¹National Low Income Housing Coalition, *Out of Reach: 2016 Alabama*, available at <http://nlihc.org/oor/alabama>.

¹² *Id.*

The state legislature's action to invalidate this much-needed raise for workers dealing with higher living costs has a disproportionate effect on African American workers. Had the ordinance gone into effect, an estimated 28,000 low wage African American workers in Jefferson County would have received a raise to at least \$10.10 an hour ("directly affected workers").¹³ Birmingham's minimum wage ordinance would have raised wages for 26.2 percent of the county's African American workforce.¹⁴ By contrast, it would have raised wages for only 14.2 percent of the county's white workforce.¹⁵ In other words, although African Americans make up 31.5 percent of the county's workforce, they make up 43.1 percent of directly affected low wage workers and are, therefore, disproportionately affected.¹⁶

¹³ Economic Policy Institute, *Workers affected by minimum wage increase to \$10.10 by July 2017 in Jefferson County, AL*, available at <http://www.epi.org/chart/birmingham-figure-a-workers-affected-by-minimum-wage-increase-to-10-10-by-july-2017-in-jefferson-county-al/>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

III. EXPERT STUDIES DEMONSTRATE THAT HIGHER LOCAL MINIMUM WAGES ARE SOUND POLICY THAT HAVE RAISED WAGES FOR LOCAL WORKERS WITHOUT SLOWING JOB GROWTH

A. Rigorous Judicially Noticeable Expert Economic Studies Show that a Higher Local Minimum Wage Has No Discernible, Adverse Impact on Employment

The leaders of many majority-black municipalities confront daily the need of their constituents for higher wages. And the most rigorous expert research over the past twenty years—examining scores of state and local minimum wage increases across the U.S.—demonstrates that the minimum wage increases discussed above have had the effect of raising workers’ incomes *without* reducing employment. The substantial weight of evidence reflects a significant shift in the views of economists away from the former view that higher minimum wages cost significant numbers of jobs.

First, economic studies show that a city or county that adopts a higher local minimum wage does not become less competitive with surrounding areas. The most sophisticated of the new wave of minimum wage studies, “Minimum Wage Effects across State Borders,” was published in 2010 by economists at the Universities of California, Massachusetts, and North Carolina in one of the top peer reviewed journals in the field, the prestigious *Review of Economics and*

Statistics.¹⁷ That study analyzed minimum wage impacts across state borders by comparing employment patterns in more than 250 pairs of neighboring counties in the U.S. that had different minimum wage rates between 1990 and 2006 as the result of being located in states with different minimum wages.¹⁸

Consistent with a long line of similar research, the study found no difference in job growth rates in the data from the 250 pairs of neighboring counties, and it found no evidence that higher minimum wages harmed states' competitiveness by pushing businesses across the state line.¹⁹ This study's innovative approach of comparing neighboring counties on either side of a state line is generally recognized as especially effective at isolating the true impact of minimum wage differences, and the results can be analogized to counties within a state that have differing minimum wages due to a citywide ordinance in an urban area.

¹⁷ Arindrajit Dube et al., *Minimum Wage Effects across State Borders: Estimates Using Contiguous Counties*, Rev. of Econ. And Statistics, Vol. 19, Iss. 4 (November 2010).

¹⁸ *Id.*

¹⁹ *Id.* Similar, new research has also focused on teen workers. The research has similarly found no evidence that minimum wage increases in the U.S. in recent years have had any adverse effect on teen employment. See Sylvia Allegretto et al., "Do Minimum Wages Reduce Teen Employment?" *Industrial Relations* at vol. 50, no. 2. (Apr. 2011).

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This conclusion is supported by not only individual state-of-the-art studies, but several recent meta-studies surveying all the research in the field. For example, a 2009 meta-regression analysis of sixty-four studies of the impact of minimum wage increases shows that the bulk of the studies found close to no impact on employment.²⁰ Another 2014 meta-study of the minimum wage literature demonstrates similar results.²¹ In fact, economists at the Center for Economic and Policy Research found in 2014 that states that have raised their minimum wages above the minimal federal level are enjoying stronger job growth than those that have not.²² While they were careful to note that this analysis did not establish causality, it did “provide evidence against the theoretical negative employment effects of minimum-wage increases.”²³ Similarly, the latest research, released in December 2016 by the White House Council of Economic Advisors, examined states that have raised their minimum wages in recent years in the U.S. and

²⁰Hristos Doucouliagos & T.D. Stanley, *Publication Selection Bias in Minimum-Wage Research? A Meta-Regression Analysis*, British J. of Indus. Relations, Vol. 47, Iss. 2, (May 2009).

²¹Paul Wolfson & Dale Belman, *What Does the Minimum Wage Do?*, Upjohn Inst. for Employ. Res. (2014), available at http://research.upjohn.org/up_press/227/.

²² Center for Economic & Policy Research, 2014 Job Creation Faster in States that Raised the Minimum Wage (June 2014), available at <http://www.cepr.net/index.php/blogs/cepr-blog/2014-job-creation-in-states-that-raised-the-minimum-wage>.

²³ *Id.*

(continued...)

found that they have enjoyed the same job growth rates in industries affected by the minimum wage as states that did not.²⁴

Research focusing specifically on the impact of higher minimum wages on small businesses has shown that higher minimum wages do not negatively impact job growth, and found faster job growth in higher minimum wage states. A 2006 report published by the Fiscal Policy Institute that examined state-by-state trends for small businesses employing fewer than fifty workers found that “employment and payrolls in small businesses grew faster in the states with minimum wages above the federal level.”²⁵ Studies, conducted in 2016, of the New York and California \$15 minimum wages by University of California economists have examined the net impact of all the positive and negative effects on businesses of a \$15 wage.²⁶ These studies found that unlike small wage increases, a \$15 minimum

²⁴ Sandra Black, Jason Furman, Laura Giuliano, and Wilson Powell, White House Council of Economic Advisors, Minimum Wage Increases by US States Fueled Earnings Growth in Low-Wage Jobs, VoxEU, December 2, 2016, <http://voxeu.org/article/minimum-wage-increases-and-earnings-low-wage-jobs>.

²⁵ Fiscal Policy Institute, States with Minimum Wages above the Federal Level Have Had Faster Small Business and Retail Job Growth (Mar. 2006), available at <http://www.fiscalpolicy.org/FPISmallBusinessMinWage.pdf>.

²⁶ Michael Reich et al., *The Effects of a \$15 Minimum Wage in New York State*, UC Berkeley Labor Center (Mar. 2016), available at <http://laborcenter.berkeley.edu/the-effects-of-a-15-minimum-wage-in-new-york-state/>; Michael Reich et al., *The Effects of a \$15 Minimum Wage in California and Fresno* (Jan. 2017), Institute for Research on Labor and Employment, available at <http://irle.berkeley.edu/files/2017/Effects-of-a-15-Minimum-Wage-in-California-and-Fresno.pdf>.

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wage generates billions in new consumer spending that offsets much of the impact of the higher wage costs on businesses.³¹ As a result, any net negative impact on jobs would likely be small—and would be vastly outweighed by the benefits of delivering large raises for more workers.

The two U.S. cities that have had higher local minimum wages for the longest period are San Francisco, California, and Santa Fe, New Mexico.²⁷ Both adopted significantly higher local minimum wages in 2003, and the impact of the minimum wage increase has been the subject of sophisticated economic impact studies. In San Francisco, a 2007 study by University of California researchers in the peer reviewed *Industrial and Labor Relations Review* journal gathered employment and hours data from restaurants in San Francisco as well as from surrounding counties that were not covered by the higher minimum wage. The researchers found that the higher wage had not led San Francisco employers to reduce either their employment levels or employee hours worked.²⁸ A follow-up

²⁷ For a helpful overview of this literature on the impact of city minimum wages, see Michael Reich et al., *Local Minimum Wage Laws: Impacts on Workers, Families and Businesses: Report prepared for the Seattle Income Inequality Advisory Committee* at 17-19 (Mar. 2014), available at <http://murray.seattle.gov/wp-content/uploads/2014/03/UC-Berkeley-IIAC-Report-3-20-2014.pdf>.

²⁸ Michael Reich et al., *The Economic Effects of a Citywide Minimum Wage*, *Indus. and Lab. Rel. Rev.*, Vol. 6 No. 4 (July 2007), available at <http://www.berkeleyside.com/wp-content/uploads/2013/06/Economic-Effects-of-a-Citywide-Minimum-Wage.pdf>.

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2014 study examined the combined impact on San Francisco employers of the city’s minimum wage ordinance and of other city compensation mandates that cumulatively raised employment costs 80 percent above the level of the federal minimum wage. The study again found no adverse effect on employment levels or hours. Food service jobs—the sector most heavily affected—actually grew 17 percent faster in San Francisco than surrounding counties during that period.²⁹ Similarly, after Santa Fe raised its minimum wage to 65 percent above the state rate, a 2006 study compared job growth in Santa Fe with that in Albuquerque, which at that time did not have a higher city minimum wage. It determined that “the living wage had no discernible impact on employment per firm, and that Santa Fe actually did better than Albuquerque in terms of employment changes.”³⁰

A 2011 study of higher minimum wages in San Francisco, Santa Fe, and Washington, D.C., compared employment impacts to surrounding suburbs and cities. The study concluded that “[t]he results for fast food, food services, retail, and low-wage establishments . . . support the view that a citywide minimum wages

²⁹ Michael Reich et al., *When Mandates Work: Raising Labor Standards at the Local Level* 31 (Univ. of Calif. Press 2014).

³⁰ Bureau of Business and Economic Research, *University of New Mexico, Measuring the Employment Impacts of the Living Wage Ordinance in Santa Fe, New Mexico* (Jun. 2006), available at

<http://bber.unm.edu/pubs/EmploymentLivingWageAnalysis.pdf>.

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[sic] can raise the earnings of low-wage workers, without a discernible impact on their employment.”³¹

B. Experiences of Cities That Have Recently Raised the Minimum Wage Have Disproven Opponents’ Predictions

In addition to extensive research, the actual experiences of cities that have recently raised the minimum wage at the local level have shown that such increases have been manageable. It is not surprising that some employers might be anxious about the possible impact on their businesses of a higher minimum wage—and might fear that it would force them to cut jobs. But cities that have phased in higher minimum wages in recent years have found that the predictions of some employers that they would be forced to reduce employee hours or reduce job positions in order to adjust to the higher minimum wage have not been borne out.

For example, in San Jose, California, business groups made similar predictions before voters in 2012 approved raising the city’s minimum wage. But the actual results did not bear out those fears. As the *Wall Street Journal* reported, “[f]ast-food hiring in the region accelerated once the higher wage was in place. By early [2014], the pace of employment gains in the San Jose area beat the

³¹ John Schmitt & David Rosnick, *The Wage and Employment Impact of Minimum-Wage Laws in Three Cities*, Center for Economic and Policy Research (Mar. 2011), available at <http://www.cepr.net/documents/publications/min-wage-2011-03.pdf>.

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improvement in the entire state of California.”³² *USA Today* similarly found that “[i]nterviews with San Jose workers, businesses and industry officials show [the city minimum wage] has improved the lives of affected employees while imposing minimal costs on employers.”³³

The same pattern was repeated when SeaTac, Washington, phased in its \$15 minimum wage—the nation’s first at that level. As *The Seattle Times* reported, “[f]or all the political uproar it caused, SeaTac’s closely watched experiment with a \$15 minimum wage has not created a large chain reaction of lost jobs and higher prices”³⁴ *The Washington Post* confirmed that “[t]hose who opposed the \$15 wage in SeaTac and Seattle admit there has been no calamity so far.”³⁵

³²Eric Morath, *What Happened to Fast-Food Workers When San Jose Raised the Minimum Wage?*, Wall Street Journal, Apr. 9, 2014, available at <http://blogs.wsj.com/economics/2014/04/09/what-happened-to-fast-food-workers-when-san-jose-raised-the-minimum-wage/>.

³³Paul Davidson, *In San Jose, higher minimum wage pays benefits*, USA Today, June 14, 2014, available at <http://www.usatoday.com/story/money/business/2014/06/14/minimum-wage-san-jose/9968679/>.

³⁴Amy Martinez, *\$15 wage floor slowly takes hold in SeaTac*, The Seattle Times, June 3, 2014, available at <http://www.seattletimes.com/seattle-news/15-wage-floor-slowly-takes-hold-in-seatac/>.

³⁵Dana Milbank, *Raising the minimum wage without raising havoc*, The Washington Post, Sept. 5, 2014, available at https://www.washingtonpost.com/opinions/dana-milbank-no-calamity-yet-as-seatac-wash-adjusts-to-15-minimum-wage/2014/09/05/d12ba922-3503-11e4-9e92-0899b306bba_story.html.

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In Seattle, while many business owners supported the increase, other business owners predicted that increasing the city's minimum wage to \$15 would lead to dramatic job losses for restaurants and strain on small businesses. An article by the *Puget Sound Business Journal* reported in October 2015 that the restaurant business in Seattle is, in fact, booming.³⁶ More recent reports confirm that neither the city's economy nor the restaurant industry has suffered.³⁷ As of October 2016, the number of food services and beverage industry business licenses issued in Seattle had increased by 9 percent since the minimum wage law went into effect.³⁸

CONCLUSION

Dozens of cities and counties across the country have adopted local minimum wage laws to respond to unique local concerns, and their experiences, as well as the economic evidence, shows that local regulation of the minimum wage can be economically and socially beneficial for their citizens. In Birmingham, but for the action of the state legislature, black citizens would have been significant

³⁶ Jeanine Stewart, *Apocalypse Not: \$15 and the cuts that never came*, *Puget Sound Business Journal*, Oct. 23, 2015.

³⁷ Blanca Torres, *A year in, 'the sky is not falling' from Seattle's minimum-wage hike*, *The Seattle Times*, Mar. 31, 2016, available at <http://www.seattletimes.com/business/economy/a-year-in-the-sky-is-not-falling-from-seattles-minimum-wage-hike/>.

³⁸ National Employment Law Project and ROC-United, *The Case for Phasing Out Maine's Subminimum Wage for Tipped Workers* (Oct. 2016), available at <http://www.nelp.org/content/uploads/Maine-Sub-Minimum-Wage-Report.pdf>.

beneficiaries of this local regulation. For the foregoing reasons and the reasons set forth by Plaintiffs-Appellants, the decision below should be reversed.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B)(i) and Fed. R. App. P. 29(a)(5), because this brief contains 4,371 words, excluding the parts of the brief exempted by 11th Cir. R. 32-4.

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Dated: June 12, 2017

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter. On that same date, I caused physical copies of the foregoing BRIEF OF *AMICI CURIAE* to be filed with the Clerk of Court and served upon the following counsel by U.S. First Class Mail:

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