

Appendix A: State Minimum Wage Laws, 1950-2007

State minimum wage legislation is diverse, complex, and difficult to succinctly summarize. ... Fortunately for researchers, however, the variety of legislation across states – some of it probably the result of “historical accident” – should permit more precise estimates of the efficacy of this legislation.

-- Aline O. Quester [1981: 30]

The data on state minimum wages laws presented in the accompanying tables come from two primary sources. For 1950-1980 I primarily rely on the compilation by Aline Quester for the Minimum Wage Study Commission [1981: 23-152]. For 1980 to 2007 I take the rate changes from the annual reports on “State Labor Legislation” published in the January issues of the *Monthly Labor Review* [Fitzpatrick, Nelson, and others, 1981-2007]. These basic sources are supplemented by reference when necessary to the various state labor bureaus [See Center for American Progress, 2007, for a guide]. For several states I was unable to find a definitive source for the law before 1950. In most of these cases I was able to determine that there were no state laws that stipulated a minimum above the federal law for the years 1938-1949. For this purpose I have relied upon *Growth in Labor Law in the United States* compiled by the U.S. Department of Labor [1967]. However, in other cases (indicated in the notes below) I am uncertain if this is the case. Data for the years 1938-1949 should be used with care. This document was prepared in July, 2008. Minimum rates given for subsequent dates are as scheduled at that time and, of course, are subject to change.

Some states have a structured system with different minimum rates for different industries, for different firm sizes, etc. Some states have established a “sub-minimum wage” for youth, apprentices, and/or women. In almost all cases, the sub-minimum wages were below the prevailing federal minimum. For the tables I have selected the highest standard applicable. These should be regarded as applicable to full-time, experienced, adult males. In the tables the state minimum wage in force on the 15th of each month is recorded. Unless otherwise noted below, the state laws covered most

industries [Cullen 1961: 47-48]. The Federal minimum rates are reported in the US Department of Labor, Wage and Hour Division [“History”]. The effective minimum wage is the maximum of the federal minimum and the state minimum. The real rate is calculated using the BLS price index {}

The following notes comment on features of the state laws that might be relevant and site the sources consulted other than Quester and the *Monthly Labor Review*.

Alabama: Alabama has never had a minimum wage law. Quester indicates that there was no law during the entire period 1950-1980 [p.32]. The US Department of Labor confirms that there was no state law at earlier dates [1967: 87]. Fitzpatrick and Perine report that Alabama has yet to establish a minimum wage law [2008: 4]. Also see US Department of Labor [2006].

Alaska: The Territory of Alaska adopted a minimum wage law for women in 1939 [US Department of Labor 1967: 95]. Apparently a territorial law that covered men became effective some time in 1955. Before that date a law that applied only to women set a minimum of \$16 per week in retail trade (\$0.40 per hour) and \$18.72 for laundry workers [p.32]. This is not recorded in the spreadsheets. Alaska became a state on January 3, 1959. Quester reports that the first state law became effective on July 28, 1959 [p. 34]. In 1962 the Alaska law stipulated a minimum that was \$0.50 above the federal minimum. For January and February of 1978 Quester indicates that the state minimum remained at \$2.80 whereas the 1962 law would have made the state minimum \$3.15 [pp. 35, 39]. I have accepted Quester. The 1962 rule was abandoned on January 1, 2003 when the minimum was raised to \$7.15 despite no change in the federal law. Thereafter the law provided for adjusting the minimum annually to account for inflation, but this provision was repealed before it took effect [Nelson 2003: 6 and 2004:6]. Also see Rae [2007].

Arizona: Arizona enacted a law for women and minors in 1917 but this was declared to be unconstitutional by the U.S. Supreme Court in 1925 following the decision

in the District of Columbia case. Following the court's reversal of that case Arizona enacted a new law in 1937 [US Department of Labor 1967: 93-94]. Quester advises: "Treat as if no law entire period [1950-1980]" [p. 32]. However, women and minors in two industries were covered in 1948 and a third industry was added in 1954. Cullen notes that the rates (\$0.47- 0.55) were "so low as to be virtually meaningless by 1960 [Cullen 1961: 46-48]. A ballot initiative in 2006 set a minimum wage of \$6.75 per hour effective January 1, 2007, \$6.90 effective January 1, 2008, and provided for annual increases every successive January 1st by the increase in the cost of living [Fitzpatrick 2007: 7, Arizona 2008].

Arkansas: Arkansas set a daily statutory minimum wage for women and minors in 1915, but the law was declared to be unconstitutional by the U.S. supreme court in 1927 [US Department of Labor 1967: 93-94]. Quester reports an "inoperative law for women and girls from 1915-1968" with a rate of \$1.00-\$1.25 per day [p. 32]. Effective January 1, 1969 the minimum wage for both men and women was set to \$1.00 per hour [p. 37].

California: Before 1974 California's minimum wage law covered only women and youth under 18 [Quester 1981: 32]. Quester reports a lower rate for youths than for women through 1980. California first enacted a minimum wage law for women and minors in 1913 [US Department of Labor 1967: 93]. The California Department of Industrial Relations reports a series on state minimums beginning in 1916 [2008]. Presumably this table reports the rates for women for the years before 1974 since that would make it consistent with Quester's data [pp. 32-40]. The minimum for youth reported by Quester is consistently below the federal minimum with only two exceptional months: January 1950 and April 1974. The minimum wage for women exceeded the federal standard from 1968 to 1973.

Colorado: Colorado enacted its first minimum wage law for women and minors in 1913 [US Department of Labor 1967: 93]. Colorado's minimum wage law did not cover men until 1974 [Quester 1981: 32]. The rates for women in 4 industries were by

population zone and varied by occupation, but at no time did they exceed the federal minimum [Cullen 1961: 47-48; Quester 1981: 32-37]. A ballot initiative in 2006 set the minimum for 2007 at \$6.85 per hour with annual increases to adjust for inflation [Fitzpatrick 2007: 9]. The minimum rate established for 2008 is taken from Colorado, Department of Labor and Employment [2007].

Connecticut: Connecticut enacted a law for women and minors in 1933. In 1939 the coverage was expanded to include men [US Department of Labor 1967: 94-95]. **I have been unable to locate the minimum rates established for men before 1951.** Quester does not report a minimum rate for 1950 or the first quarter of 1951 although the text suggests that there *was* coverage for selected occupations [p. 41]. However a table prepared by the Connecticut Department of Labor implies that there were no minimums before July 1, 1951 [2008 “History”]. That table differs from Quester who suggests that the wage minimum of \$0.75 per hour for men became effective on April 17 rather than on July 1. I have relies on Connecticut [“History”]. Since 1969 the Connecticut minimum wage rate automatically increases to 1/2 of 1 percent above the rate set in the Fair Labor Standards Act if the federal minimum wage rate equals or becomes higher than the State minimum [US Department of Labor 2007, Quester 1981: 46]. The minimum rates legislated for 2009 and 2010 are reported in Connecticut, Department of Labor [2008 “Matters”].

Delaware: Delaware had no minimum wage law until 1965 [Quester 1981: 41-44].

District of Columbia: In 1918 a law for women and minors was adopted for the District of Columbia but this was declared unconstitutional by the U.S. Supreme Court in 1923. That ruling was reversed in 1937 [US Department of Labor 1967: 76-80 and 93-94]. The District’s minimum wage enforcement dates back at least as far as 1948 [Cullen 1961: 47-48]. The case of the District of Columbia before October 1, 1993 is complicated by frequent changes in sector-specific rates and coverage rules. David Lee excluded DC from his analysis because these changes “made it difficult to isolate a consistently-broad

adult rate” [Lee 1999:1019]. Neumark and Nizalova report “a weighted average of occupation-specific minimum wages for 1973-1993” [2004: Table 2]. Prior to 1967 DC law covered only women and minors [Quester 1981: 41]. For the months before October 1993 I report the highest minimum wage for men in the spreadsheet even when that rate was for a small sector of the labor force (e.g., building service occupation). Some researchers may wish to drop DC from their analysis for the years 1967 to 1992 because of the coverage problems. Beginning with October 1, 1993 the district minimum wage has been set to no lower than \$1.00 greater than the federal rate. However, a higher rate for the laundry and dry cleaning industry was grandfathered in for the period between October 1 1993 and October 1, 1996 [Nelson 1994: 40, and 1997: 33]. I have ignored this exception in the spreadsheet and that produces a break in the series between September and October of 1993.

Florida: Quester reports no law before 1980 [p. 41]. An initiative passed in 2004 established a minimum wage of \$6.15 effective on May 2, 2005 which is to be adjusted for inflation each January 1st [Shaefer and Nissen, 2006: 1].

Georgia: Georgia had no minimum wage law before 1970 [Quester 1981: 41-46].

Hawai’i: Hawai’i passed its first minimum wage act in 1941. It applied to both men and women. Between April 1, 1942 and June 30, 1945 and between July 1, 1953 and June 30, 1958 the Territory of Hawai’i had a higher minimum wage rate for the island of Oahu than on the neighboring islands [Hawai’i 2008 and Quester 1981: 50-52]. I report the Oahu rate in the table. The data for the period 1938-1949 comes from Hawai’i, Department of Labor and Industrial Relations [2008]. Hawai’i became a state on August 21, 1959. Quester reports the effective date of the \$1.40 per hour rate in 1969 to be January 1st, however the Hawaiian Department of Labor reports the effective date as July 1st. I have accepted the Department’s date.

Idaho: Idaho had no law before 1955 [Quester 1981: 50].

Illinois: Illinois enacted a law for women and minors in 1933 with an expiration date of July 1, 1935. A revised law was enacted in 1945, but this version was never put into effect [US Department of Labor 1967: 87, 94-95]. According to Quester, Illinois had no “operative” law until 1972 [1981: 50-55; US Department of Labor 1967: 87].

Indiana: Indiana had no law prior to 1965 [Quester 1981: 50-53].

Iowa: Iowa had no law prior to 1989 [Quester 1981: 50-58, and Nelson 1990: 43].

Kansas: Kansas enacted a minimum wage for women and minors in 1915 which was declared unconstitutional by the state supreme court in 1925 following the District of Columbia case. This ruling was reversed by the Attorney General in 1938 but the law remained inactive since no rates had been set [US Department of Labor 1967: 87, 93, and 95]. Thereafter, Cullen reports the state had no operative law before 1978 [Cullen 1961: 46; Quester 1981: 50-57]. For 2007 also see Kansas, Department of Labor [2007].

Kentucky: Kentucky enacted its first law covering women and minors in 1938. Kentucky’s minimum wage law did not cover men until 1966 [Quester 1981: 59]. The rates for women and minors between 1950 and 1966 covered most industries but varied by occupation, but at no time did they exceed the federal minimum [Cullen 1961: 47-48; Quester 1981: 59-62].

Louisiana: Louisiana passed a law in 1938 but never put into effect a minimum wage [US Department of Labor 1967: 87 & 95; Cullen 1961: 46; Quester 1981: 59-67; and US Department of Labor 2007].

Maine: Maine’s first law was enacted in 1939 [US Department of Labor 1967: 95]. Before 1959 Maine’s “only statutory minimum was for females in fish packing” [Quester: 59]. My source does not give the rate for this. The data for 1959 to 2009 are taken from Maine, Department of Labor [2008]. Quester incorrectly reports the date of the change in 1973 as January 3 [p. 65]. The correct date is October 3. Fitzpatrick does not give the date for the change in 2004 [Fitzpatrick 2005: 3 and 18]. It occurred on

October 1. Fitzpatrick does not report the change in 2005 from \$6.35 per hour to \$6.50 on October 1 nor the changes scheduled for 2008 and 2009.

Maryland: Maryland had no minimum wage before 1965 [Quester 1981: 59-62]. Data for 2007 and 2008 come from Maryland, Department of Labor, Licensing, and Industry [2008].

Massachusetts: Massachusetts was the first state to adopt a minimum wage law. That was in 1912. It was a “recommendatory” law that applied only to women and minors. In 1935 this was replaced with a mandatory law and in 1946 the law was amended to apply to men [US Department of Labor 1967: 9395]. I have not yet found the date that the 1946 law became effective nor data on the minimum hourly rates for 1946-1949. Before 1960 the rates varied by occupation but covered most industries [Cullen 1961: 47-48]. The table gives the highest of the rates given by Quester [1981: 59-61]. The Monthly Labor Review misses

Michigan: Michigan had no law before 1965 [US Department of Labor 1967: 96; Quester 1981: 68-71].

Minnesota: Minnesota enacted its first minimum wage law for women and minors in 1913 which was declared unconstitutional by the Attorney General’s opinion in 1925 following the District of Columbia case [US Department of Labor 1967: 93-94]. Men were first covered in 1971 [Quester 1981: 68-73]. Since 1938 women and youth had minimums that covered most industries, varied by industry, and were never in excess of the federal minimum rate. The discussion in Nelson for 1987 is garbled [1988: 49], but is clarified the following year [Nelson 1989: 51].

Mississippi: Mississippi has never had a minimum wage law [US Department of Labor].

Missouri: A first-time law was enacted in 1990 with the federal rate adopted by reference [Nelson 1991: 49]. The effective date was not mentioned. I have assumed that

the state law took effect on April 1, 1990. The rate for 2008 was taken from Missouri, Department of Labor and Industrial Relations [2008].

Montana: Montana's first minimum wage law became effective in 1971 [Quester 1981: 68-73]. The rate for 2008 was taken from Montana, Department of Labor and Industry, 2008.

Nebraska: Nebraska enacted its first minimum wage law covering women and minors in 1913 but repealed the law in 1917 [US Department of Labor 1967: 93]. Nebraska's second minimum wage law became effective in 1967 and applied to men as well as women [Quester 1981: 68-72]. The data for 2007-9 are from the Nebraska Department of Labor [no date].

Nevada: Nevada enacted a law for women and minors in 1937 [US Department of Labor 1967: 94]. Coverage for men began in Nevada in 1965. Women and girls were covered at rates equal to or below the federal minimum before that date [Quester 1981: 77-80]. For the data for 2007-8 see Nevada, Office of the Labor Commissioner [2008].

New Hampshire: New Hampshire enacted a law for women and minors in 1933 [US Department of Labor 1967: 94]. New Hampshire's minimum wage law covered men in 1950 and beyond, but at rates that were lower or equal to the federal minimum well into the 1980's [Quester 1981: 77-85; US Department of Labor 1967: 95].

New Jersey: New Jersey enacted a law for women and minors in 1933 [US Department of Labor 1967: 94]. New Jersey's law did not cover men until 1966 [Quester 1981: 77-81]. Women and minors were covered in several industries at rates that were structured by industry but at levels below the federal minimum before 1961. From 1961 to 1965 women and minors were covered at a minimum rate that exceeded the federal minimum wage [pp. 79-80]. Data for 2007-08 are from New Jersey, Department of Labor and Workforce Development [2007].

New Mexico: New Mexico had no minimum wage law before 1955 [Quester 1981: 77-78].

New York: New York enacted a law for women and minors in 1933 which was struck down in 1936 by the U.S. Supreme Court in a five-to-four ruling. The next year, following the Supreme Court reversal of the District of Columbia case, New York enacted a new law. In 1944 the law was amended to provide coverage for men [US Department of Labor 1967: 94-95]. I have not found the minimum rates established for men before 1950. Prior to 1962 the minimum rates varied by industry. Most non-manufacturing industries were covered. Quester [1981: 86-94] has several inconsistencies with the New York State, Department of Labor [“History”]. I have used the later throughout as my source. See New York, Department of Labor [“Minimum Wage Laws”] for data for 2007-9.

North Carolina: North Carolina adopted its first law for both women and men effective in 1960 [Quester 1981: 86-88]. See North Carolina, Department of Labor, for data for 2007-9.

North Dakota: North Dakota passed a law covering women and minors in 1919 [US Department of Labor 1967: 93]. Men were first covered in 1966 [Quester 1981: 86]. Women and minors in five industries were covered since 1949 with rates that varied by industry but never exceeding the federal minimum [Cullen 1961: 47-48; Quester 1981: 86-90]. Quester is not clear about the effective data for the rates covering men in 1966. I have assumed they began on March 18 when the manufacturing minimum was set at \$1.25 per hour (the federal minimum at the time).

Ohio: Ohio enacted a law for women and minors in 1933 [US Department of Labor 1967: 94]. Men were first covered in 1974 [Quester 1981: 95, 101]. Beginning in 1935 women and minors in several industries were covered with rates that varied by industry occasionally equaling but never exceeding the federal minimum [pp. 86-90]. I have drawn the data for 2008 from Ohio, Department of Commerce [2007].

Oklahoma: Oklahoma became the first state to enact a minimum wage law that covered men 1937. However the law's coverage of men was held unconstitutional in 1939 and the entire law remained inoperative until 1965 [US Department of Labor 1967: 94-96; Cullen 1961: 46]. A minimum wage law first becomes effective for both men and women in 1965 [Quester 1981: 95, 98]. Oklahoma minimums for 2007-9 from Oklahoma, Department of Labor ["Your Rights"].

Oregon: Oregon enacted a minimum wage law in 1913 for women and minors [US Department of Labor 1967: 93]. Men were first covered in 1971 [Quester 1981: 100]. Women and minors were covered from 1941 through 1968 with rates that varied by industry occasionally equaling but never exceeding the federal minimum [pp. 95-100]. Also see Oregon, Bureau of Labor and Industries, ["Recent History"].

Pennsylvania: Pennsylvania enacted a law for women and minors in 1937 [US Department of Labor 1967: 94]. According to the U.S. Department of Labor men were first covered in 1961 [1967: 96]. However, Quester reports that men were not covered before 1967 [1981: 95-99]. I am inclined to accept the earlier data but I have no information on the minimums set for men from 1961 to 1967. Before that date women and minors in five industries were covered at least since 1941 with rates that varied by industry and geographic zones but which never exceeded the Federal minimum. [pp. 95-99]. Quester does not give the date in 1967 when the rate for men became effective. I assume it was on January 1.

Rhode Island: Rhode Island enacted a law for women and minors in 1936 [US Department of Labor 1967: 94]. Men were first covered by Rhode Island law in 1945 [US Department of Labor 1967: 95]. I have not found the rates established for men before 1950. Data for 2007-08 from Rhode Island, Department of Labor and Training ["Minimum Wage"].

South Carolina: South Carolina has never had a state minimum wage law [US Department of Labor 2007].

South Dakota: South Dakota enacted a law in 1923 for women and minors [US Department of Labor 1967: 94]. No law covering men until 1967. A 1945 law covering women set a minimum of \$15.00 per week (\$0.375 per hour for 40 hours) [Quester 1981: 104].

Tennessee: Tennessee has never had a state minimum wage law [US Department of Labor 2007].

Texas: Texas enacted a minimum wage law for women and minors in 1919 and repealed it in 1921 [US Department of Labor 1967: 93]. Since then Texas was without a law until 1970 [Quester 1981: 104-109]. My authority for 2007-9 is the Texas Workplace Commission [2007].

Utah: Utah set a daily statutory minimum wage for women and minors in 1913, but the law was repealed in 1929. A new law was enacted in 1933 [US Department of Labor 1967: 93-94]. According to Quester men were not covered at any time between 1950 and 1981 [Quester 1981:104-112]. Women and minors in four industries were covered at rates that varied by geographic region and occupation at rates equal to or below the federal minimum. Nelson notes minimum wage increases in 1980 and 1981 identical to Quester's report but he makes no mention of the fact that only women and minors were covered [Nelson 1981]. Nelson [1991: 53] indicates that males were covered for the first time in 1990. For the data for 2007-9 see Utah Labor Commission ["Utah Adopts"].

Vermont: Vermont law did not set a minimum wage before 1957 [Quester 1981: 104-105].

Virginia: Virginia did not set a minimum wage before 1975 [Quester 1981: 113-119].

Washington: Washington enacted a minimum wage law for women and minors in 1913. In 1937 the U.S. Supreme Court held the law to be constitutional and the court

reversed in 1923 decision in the District of Columbia case [US Department of Labor 1967: 93-94]. Men were first covered in 1959 [Quester 1981: 113-115]. Before that date women and minors in most industries were covered at rates that varied by occupation but were below the federal minimum. Quester disagrees with Washington, Department of Labor and Industries [“History”] at several dates. I have accepted Quester since it appears that Washington has missed several changes and misdated another. Fitzpatrick [2006] missed the 2005 rate change. I have relied on Washington, Department of Labor and Industries [“History”] for all changes since January 1, 1999.

West Virginia: West Virginia’s first law became effective in 1967 [Quester 1981: 113-117].

Wisconsin: Wisconsin enacted a minimum wage law for women and minors in 1913 but this was held to be unconstitutional in 1924 by Federal district court on the basis of the District of Columbia decision. The state enacted a new law in 1925 with revised language and revised the law again in 1937 following the Supreme Court’s reversal of its earlier ruling [US Department of Labor 1967: 79 and 93-95]. Wisconsin first covered men in 1975. Women and minors in most industries were covered at rates that varied by industry and city size but were always below the federal minimum rate [Quester 1981: 113-119]. For 2007 see Wisconsin, Department of Workforce Development [2007].

Wyoming: Wyoming had no law before 1955 [Quester 1981: 113-114].

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