

National Employment Law Project

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**NELP Statement on Legal Action to Undo Alabama's Preemption of
Birmingham Minimum Wage Law**

The following is a statement from Christine Owens, executive director of the National Employment Law Project:

"Today, low-wage workers and their supporters in Birmingham, Alabama, moved their quest for living wages from legislators and the streets to the halls of justice. Responding to rash state action overriding Birmingham's local minimum wage ordinance, advocates have filed suit to set aside the state's unconstitutional preemption of local authority to meet local needs with wage measures tailored to local economic realities.

"The National Employment Law Project commends these advocates and the City of Birmingham for their sustained determination to address the working poverty of low-income residents of this largely African-American city. We hope the court will move quickly to reverse the state's acts.

"As the plaintiffs' complaint describes, the state's override of local power on a matter of local health and welfare -- which the City is better able to assess -- violated state law governing legislative action affecting a single municipality. More significant, the refusal by the largely white state legislature to allow the largely African-American City of Birmingham to address its residents economic needs rests on a state constitution that intentionally limited local powers in order to suppress rights and opportunities of African-American residents. Far from reflecting deliberative and thoughtful governance to meet the needs of all low wage workers across the state -- Alabama has no minimum wage law --, the legislature's and governor's hasty use of state authority to nullify Birmingham's minimum wage law smacks of heavy-handed subterfuge to maintain an economic order rooted in racial segregation and discrimination.

"The days of a Jim Crow economy should be long-gone, but sadly, the refusal of Alabama's legislature to allow Birmingham to meet local needs through appropriate local measures signals the past persists. We call on the court to set aside the state's unconstitutional act, to restore the authority of Birmingham and other cities in Alabama to enact reasoned economic measures improving local health and welfare, and to ensure that justice, though often delayed, will no longer be denied."

The National Employment Law Project is a non-partisan, not-for-profit organization that conducts research and advocates on issues affecting low-wage and unemployed workers. For more about NELP, visit www.nelp.org.