

The Role of Community Involvement in Implementing Living Wage Ordinances

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Although the living wage movement has been instrumental in the passage of almost 120 ordinances in its ten-year history, little attention has been paid to the implementation of the laws. This article analyzes the factors that can affect the success of living wage implementation. The results suggest that implementation is weaker when left solely to city administrators and more expansive when living wage advocates participate in the process. For example, involvement of advocates is more likely to lead to workplace monitoring, stricter procedures for employers to obtain a waiver, and evaluation of outcomes.

REFERRED TO AS ONE OF THE MOST INTERESTING GRASSROOTS INITIATIVES SINCE the civil rights movement, the modern campaign for living wages has enjoyed success seen by few other political movements in recent years (Kuttner 1997). Since 1994, over 120 cities and counties across the country have passed living wage ordinances: municipal policies that mandate service contractors, economic development recipients, and other categories of employers pay certain wages and benefits to their employees that are well beyond those mandated by state or federal law.¹

Emerging scholarship on living wage initiatives has tended to focus on the economic impacts these mandates have on cities, firms and workers (e.g. Pollin and Luce 1998; Pollin, Brenner and Luce 2002; Neumark and Adams 2000; Reich, Hall and Jacobs 2005; Fairris 2005), or on the social movement and organizing aspects (Nissen 2000; Reynolds 2001; Luce 2001). This paper adds to this literature by examining the implementation and monitoring of living wage ordinances. Utilizing extensive interview and

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¹ Living wage ordinances have been passed by cities, counties, townships, school boards, library boards, transportation boards, and universities. In this paper, I use the term "city" to refer to all municipal entities and boards that have passed ordinances. This does not include colleges and universities.

case study data, the article finds that despite its success in getting ordinances passed, living wage campaigns have had less success in getting these measures implemented. While some municipalities have done an effective job on enforcement, in others it is weak or nonexistent, meaning that thousands of workers may not be getting paid the living wage to which they are entitled.

In this article, I briefly review some reasons why cities may fail to implement ordinances successfully and argues that because living wage ordinances run counter to the mainstream economic development strategies pursued in recent decades, and counter to the spirit of the “reinventing government” ideology epitomized in works such as Osborne and Gaebler (1992), city leaders are reluctant to monitor employers and enforce the law.² However, despite a disinclination to enforce, several factors can still make successful implementation more likely. In particular, I examine the participation of non-governmental organizations in achieving strong enforcement. This paper argues that citizens can in fact play a significant role in the monitoring and implementation of policy, even where governments oppose or are reluctant to enforce the laws in question. I rely on a quantitative summary of ordinances passed to date as well as case study evidence to show the relationship between community involvement and living wage implementation. This study begins with a look at living wage campaigns.

The Living Wage Movement

As of the end of 2004, 123 living wage ordinances have been passed around the country. The bulk of these are in cities or townships, but 20 are in counties, and six are in other types of jurisdictions, such as school boards. Living wage ordinances vary greatly. The most narrow form covers only employers holding certain service contracts with a city, such as janitorial, security guard or food services.³ Broader ordinances also require firms receiving economic development subsidies, or holding concession agreements or leases on city-owned land, to pay the living wage. The most far-reaching ordinances are those that would apply to all workers within a city’s political jurisdiction. A number of efforts to establish these kinds of ordinances have been defeated or repealed, but in February 2003 the Santa Fe, New Mexico City Council passed a living wage policy that would cover all

² For more on the economic development strategies pursued by city leaders in recent decades see, Molotch 1976; Logan and Molotch 1987 and Imbroscio 1997.

³ The ordinances often target larger employers. For example, many cover service contracts of a certain dollar amount, or employers with a given number of employees. Some exempt nonprofits.

employers in the city with 25 or more employees. In November 2003 voters approved a citywide minimum wage of \$8.50 per hour in San Francisco, California and in 2004, the Madison, Wisconsin city council also approved a citywide minimum wage.

What these ordinances have in common is that they set a wage minimum that employers must meet or exceed, which is higher than the federal or state minimum wage. Early ordinances were often linked to the federal poverty threshold for a family of three or four. Some of the more recent ordinances are tied to even greater amounts, such as 110 percent of the federal poverty line for a family of four. Over two-thirds of the ordinances require the living wage level to be adjusted each year with inflation.

More and more ordinances are also requiring that covered employers provide benefits, in addition to the higher wage. Because ERISA (Employment Retirement Income Security Act) laws prohibit cities from mandating health coverage directly, the ordinances allow firms to choose between a lower wage if health insurance is provided, or a higher wage without health insurance. Additional benefits found in some ordinances include the provision of paid or unpaid days off, the placement of local residents in jobs through community hiring halls, as well as job security measures such as the right to keep one's job if the city changes vendors on a service contract. As of early 2004, living wage rates range from a low of \$7.06 per hour in Milwaukee County, Wisconsin, to a high of \$13 per hour with health benefits or \$14.75 per hour without health benefits in Fairfax, California.

Throughout the country, living wage advocates have clearly enjoyed success in getting their proposals passed. But although the campaigns have a high rate of victory (fewer than 20 have been defeated), there are a number of mitigating factors which can prevent strong implementation. First, many (although not all) of the employers covered by the policies oppose them, either on principle or because they believe they (rather than the city) will have to bear the costs of the higher wages (e.g. Grant and Trautner 2002). For example, some employers fight the ordinances on the grounds that the city has no right to interfere with personal business decisions. Others claim that paying the higher wage could put them out of business. Even those employers who may already be paying the living wage rate often resent the ordinances for the extra regulations and paperwork they bring. For these reasons, cities cannot assume employers will support these policies and comply with living wage laws voluntarily.

Conflict over the laws comes not only from employers, but can also occur *within* the city.⁴ In many cases, city councilors and city administrators have

⁴ On class conflict within the state, see, e.g. Jessop 1990 and Wright 1997.

contradictory interests when it comes to enforcing living wage ordinances. While city councils are usually the force behind policy passage, implementation is the responsibility of city administrators, under the direct supervision of the mayor or city manager.⁵ The influence of city administrators is important to examine, because very few mayors or city managers have been strong advocates of living wage legislation. This is not surprising, given that for the last several decades in particular, city leaders have pursued economic development strategies based on improving city business climates and reducing the size of government (Weber 2002; Clavel and Klienewski 1990). These strategies are intended to retain existing business enterprises and attract new ones to the city, in order to create jobs and expand the city tax base. However, the approach is based in part on decreasing business regulation and keeping wages low.

Although most research to date suggests that the costs of living wage ordinances are relatively small (e.g. Brenner 2005; Elmore 2003; Pollin and Luce 1998), higher level city administrators may resist living wage implementation because of its impact on city business climate. Therefore, although actual pass-through costs may not be high, administrators may perceive the laws as creating more regulation for business, necessitating more staff for enforcement, and decreasing the city's flexibility to use economic development incentives for attracting or retaining business. Economic development officials may feel that enforcing a regulation such as the living wage would hinder the city's business climate, thereby hurting its chances for attracting and retaining employers. Even where attitudes toward the living wage are not hostile, city staff may simply lack the motivation to prioritize living wage enforcement. If there is no organized constituency pushing for implementation, operating as a "watchdog," it may fall to the bottom of the list of tasks that the city pursues.

Another factor that can obstruct implementation is the lack of state capacity.⁶ Capacity includes the budget available for implementation, but also the number of staff assigned to administer the ordinance, as well as the information, technology, and human capital (i.e. skills and knowledge of city employees) cities possess. Certainly, wealthier cities—including those with higher tax rates, high property value, high employment, and strong local economies—will have more money available to hire staff for monitoring. But even cities with smaller budgets may possess resources useful for living

⁵ Most county governments are run by a county board of supervisors and a county executive. Although the author will review city and county living wage ordinances, the terms City Council and Mayor have been used throughout the article as shorthand for city and county leadership.

⁶ Scholars who have written about the importance of state capacity for implementation outcomes include Matland 1995, Echeverri-Gent 1993 and Berry, Berry and Foster 1998.

wage enforcement. For example, cities with local prevailing wage laws are more likely to have staff and technical expertise to monitor city contracts. Other cities have been on the forefront of adopting new technologies that would make monitoring easier, such as centralized contract databases.

Because living wage ordinances are often opposed by city administrators and the employers that they affect, it is perhaps not surprising that policy implementation is not as strong as might be expected given the broad popular support of these measures. However, implementation efforts vary widely across cities, so administrator opposition alone is not enough to predict what happens after enactment. This article examines some reasons why there is such a range in outcomes, from some ordinances that are never enforced at all, to others that are models of successful implementation.

Policy Implementation

According to McLanahan (1980), implementation research is a subfield of organizational theory concerned with the period *after* a bill becomes a law. It emerged in the late 1960s out of debates on why the Great Society programs failed.⁷ While conservatives argued that the programs failed as a result of “errors in social theory and to the ‘inherent limits’ to planned social change,” implementation researchers argued that the programs could not be effectively evaluated without a thorough assessment of their execution (McLanahan 1980, p. 355). Over the past 30 years, implementation researchers have come up with a long list of factors that determine policy outcomes, but this article focuses on one that has been given little attention in this literature thus far: the ability of non-governmental organizations or community groups to influence implementation.

Scholarship in other fields supports the claim that community groups can enhance monitoring and enforcement efforts. For example, Cohen and Rogers (1995) assert that non-governmental organizations, or “secondary associations,” can supplement the information gathered by state inspectors, frequently at a lower cost.⁸ In addition, secondary associations can represent interests not included in state administrations. Different groups have varying access to resources and to the state itself, and because government

⁷ The classic work in the field is Pressman and Wildavsky 1984. For a helpful overview of the literature, see Lester and Goggin 1998.

⁸ Secondary associations are defined as “the wide range of nonfamilial organizations intermediate between individuals or firms and the institutions of the state and formal electoral system” (Cohen and Rogers 1995).

policy continues to be shaped by the push and pull of internal and external forces, the government itself must be monitored and pressured to serve the interests of those not necessarily well represented by “the existing balance of power.” According to Cohen and Rogers:

Some groups, certainly, will seek to capture administrative agencies for private purposes. But others are commonly brought into service to act as “fire alarms,” sending signals to legislatures about whether agencies are in fact acting on their legislative mandate. By sending them, they promote the accountability of bureaux to those mandates and reduce the costs of monitoring agency performance.

Cohen and Rogers highlight how secondary associations can play a role in implementation using the case of the federal Occupational Safety and Health Act (OSHA), which was passed in 1971 to establish and ensure health and safety standards in the workplace. The law mandates that federal inspectors examine worksites for safety violations. OSHA has suffered in recent years from extreme budget reductions and a corresponding downsizing in the number of inspectors. However, even when OSHA budgets were at their highest, health and safety laws were not fully implemented because of an inadequate number of staff: in 1978, OSHA inspectors had examined less than one percent of all U.S. workplaces (Hemenway 1985). Today, OSHA inspectors examine a small percentage of workplaces per year. For example, in fiscal year 2002, the agency investigated only 37,493 of the more than 111 million workplaces (U.S. Department of Labor 2002; Occupational Safety and Health Administration 2002).

Cohen and Rogers argue that in the case of OSHA enforcement, worker committees may be more likely to expose safety and health violations than would federal inspectors, as the inspectors may be susceptible to ‘capture’ by employers who can offer bribes or other incentives. Of course, the workers can also be bribed—as well as threatened with job loss—so the proper protections must be in place for the worker committees to function correctly. With these protections, however, workers whose safety and health are directly affected will have a greater incentive to expose violations. In this way, the secondary associations can operate as a monitor of, and important complement to, state enforcement mechanisms.

Part of the argument for worker committees also rests on the fact that the task is too big for state inspectors. Even several thousand inspectors would not be able to adequately monitor all the several million businesses in the United States. In addition, OSHA inspectors are limited in their ability to find all safety infractions in a workplace. Employers can hide violations when inspectors visit. Inspectors have legal restrictions on what they can search without a warrant. Finally, it is virtually impossible for any

one inspector to have the technical knowledge necessary to examine all production processes. According to Hemenway, the OSHA inspector “certainly has less knowledge about what he is inspecting than an elevator, restaurant, nursing home or meat inspector. He is thus more likely to miss important violations and to cite insignificant ones” (Hemenway 1985, p. 86).

Workplace safety and health committees could supplement the work done by federal inspectors. These ‘on-the-ground’ committees would have a greater capacity than the inspectors to extract specific and current information about the safety and health conditions of the worksite. The committees might also be in a better position to search for solutions to problems, as they would have more time to develop education and training programs, consult with management about alternative production methods, and consult with other workers about potential problems that might emerge. In this example, state capacity could be enhanced indirectly through the development and integration of secondary associations outside of the state into the monitoring and enforcement process itself.

Weil (1991) provides empirical results to back up Cohen and Rogers’ argument. In an evaluation of safety and health inspection records, Weil finds that unionized establishments are more likely to receive inspections than nonunionized firms. In addition, when a union is present, firms face greater scrutiny in the inspections and pay higher penalties for violations. Weil argues that unionization enhances the effectiveness of OSHA enforcement for several reasons. First, because many unions have staff devoted to work on health and safety issues, unions are able to disseminate information to members regarding potential risks in the workplace and the rights of workers under OSHA. In addition, unionized workers have some job security, and thus may be less fearful of dismissal or reprisals for reporting health and safety violations. Weil’s findings can be taken as evidence that unions can enhance the ability of OSHA to do its job.

In a related research, Hirsch, Macpherson and DuMond (1997) find that unionized workers are more likely than similar nonunion workers to receive workers’ compensation benefits when injured. They attribute this outcome to greater access to information and less fear of penalty for filing claims on the part of unionized workers.

Examples of non-governmental organizations affecting implementation can be found outside of workplace settings as well. O’Rourke (2002) suggests that in Vietnam, environmental legislation has tended to be enforced only when community groups apply outside pressure to state agencies. O’Rourke calls this model “community-driven regulation.” By law, citizens can register complaints against polluters. This gives them a systematic channel through which they can push the state to act. This is supplemented by

protest politics—complaint letters to local government agencies, letters to the polluting firm, public demonstrations, and use of the media.⁹

The work of these scholars suggests that non-governmental organizations can lead to more successful implementation of public policy in general. For the purposes of this paper, I use the terms “community organizations” and “non-governmental organizations” are used interchangeably, referring to the various groups that participate in living wage coalitions, including community-based organizations and labor unions. It is hypothesized that a broad range of non-governmental organizations can play similar roles in enhancing implementation of living wage ordinances. This can occur when living wage advocates work through informal or formal mechanisms, which will be detailed below. I argue that community organizations are one way to counteract the internal forces within cities that weaken living wage implementation. Community participants—particularly the covered workers and the organizations they belong to—are more likely than city administrators to have the motivation to monitor living wage ordinance compliance. Non-governmental organizations can also serve as a watchdog on the state, and can enhance state capacity.

Methodology and Data

In order to examine the implementation and monitoring of living wage ordinances, one first must establish a measure for successful implementation. Clearly there are many aspects to consider when evaluating success, including specific implementation outcomes as well as processes. In the case of living wage ordinances, obvious outcome measures include the percentage of workers eligible for wage increases who actually receive them or the number of firms who are in compliance with the law.¹⁰

As implementation researchers have discovered, part of the complexity in measuring outcomes is the difficulty in obtaining accurate data. Access to data is a problem in measuring living wage implementation as well, as very few cities have collected appropriate outcome data. In fact, in many cities it is difficult to find a staff person who can answer questions about the

⁹ For other examples of nonworkplace based civil society involvement in policy formation and administration see Fung and Wright 2003 and Evans 2002.

¹⁰ Another way to measure the success of implementation is to look at the ways in which the policy indirectly led to outcomes desirable to the advocacy groups. For example, struggles over the implementation process may lead to an increase in citizen involvement in local government, the passage of other policies, or the restructuring of government agencies. Of course, these are just as likely to be negative outcomes as they are positive ones, depending on the goals of the advocacy groups.

ordinance. Unfortunately, this has made it extremely difficult to measure actual outcomes of living wage implementation. Therefore, in this article, implementation processes, rather than outcomes, are measured.

Although one could argue that outcome measures are more important than processes, there is likely to be a high correlation between the two. Effective implementation of wage standards requires that employers are aware of the law; obviously, without a mechanism to inform employers of the requirement, workers are not going to get the higher wage. Compliance also goes up when there are means to inform workers of their rights. As early as 1949, the Department of Labor had discovered that “effective enforcement of the [Fair Labor Standards Act] depends to a great extent upon knowledge on the part of covered employees of the provisions of the act . . . and a greater degree of compliance with the act has been effected in situations where employees are aware of their rights under the law.”¹¹ For this reason, it is expected to find a strong correlation between implementation processes (such as posting of notices in the workplace) and outcomes (number of workers receiving the living wage).

The process of implementation is defined as involving four steps: administration, monitoring, enforcement, and evaluation. Administration refers to the initial steps to implement the ordinance: assigning a department and staff person to be held accountable for implementation; establishing transparent rules and regulations to clarify which employers are covered and how the ordinance will be carried out; informing relevant city departments and staff about the ordinance; and informing covered employers and employees. Also included is a variable that measures how easy it is for the public to get information on the ordinance (see Table 1). Monitoring includes steps taken to assess the degree to which firms are complying with the rules and regulations of the ordinance. This involves procedures that make it easier for the city to monitor compliance, such as requiring covered employers to submit payroll records, as well as pursue active steps to monitor, such as regular visits to workplaces. Enforcement refers to the actions pursued when employers are found to be in noncompliance with any of the provisions of the ordinance. It also refers to the ease with which employers can obtain a waiver from the living wage requirements.

Finally, in addition to administration, monitoring and enforcement, some scholars highlight the importance of policy evaluation after enactment, in order to provide feedback to implementers and make necessary amendments

¹¹ Federal Register Volume 14, August–December 1949. Thanks to Mark Nelson for providing the author with this reference.

TABLE 1
GENERAL FEATURES OF IMPLEMENTATION PROCESSES

Key Features	Narrow	Moderate	Expansive
Administration			
Ordinance language in request for proposals for contracts	✓	✓	✓
Employers required to post notices at worksites	✓	✓	✓
Rules and regulations are established to determine coverage and apply the ordinance	✓	✓	✓
City assigns implementation to a particular department and staff person		✓	✓
Training provided for other city departments that let contracts		✓	✓
Easy to get information about the ordinance		✓	✓
Monitoring			
Employers file payroll records on request of city	✓	✓	✓
Employers file payroll records on regular basis		✓	✓
Contracts regularly reviewed by city staff		✓	✓
Worksites regularly monitored			✓
Enforcement			
Waivers from ordinance difficult to obtain			✓
City applies penalties to those in noncompliance			✓
Evaluation			
City attempts to close loopholes in ordinance			✓
City staff writes implementation evaluation reports			✓

to improve the law. For example, Elliott (1981) argues that policy making and implementation should be a continuous interactive process, as almost any policy will need to be improved once it is administered. Here, evaluation refers to steps taken by city or county staff to assess the implementation process over time, including highlighting loopholes and looking for ways to correct problems. As Table 1 shows six criteria to measure administration, four to measure monitoring, two for enforcement and two for evaluation.

In order to classify cities according to the implementation typology, a database of cities, counties and other municipal authorities with living wage ordinances was constructed. This is done by evaluating each municipality based on a variety of sources. In addition to more than 100 interviews with elected officials, city staff, living wage coalition members and researchers, the author reviewed official documents, research reports and newspaper articles. Because the process of implementation can take a substantial amount of time, in the following analysis only living wage laws passed through 2001 were considered.

To determine which municipalities have been most successful in implementation, each was rated along the 14 dimensions listed in Table 1 using

a binary measure. For example, a municipality was given a 1 if there is a department and a person assigned to implementation, or a 0 if none. Some of the features listed in Table 1 were measured by a direct review of the ordinance and regulation language, such as: “ordinance language in request for proposals,” “employers required to make payroll available at request of city,” “employers required to post notices at worksite,” “employers file payroll records on a regular basis,” and “city staff writes implementation evaluation reports.” City staff interviews were conducted to verify that the tasks were being followed.

Other tasks, not mentioned in ordinance language, were assessed based on city staff interviews and verification from third parties. For example, if city officials reported that they visited worksites on a systematic basis, not just based on complaints, then this is counted as “worksites regularly monitored.” A score of 1 is given for “waivers difficult to obtain” if at least one case where a request for a waiver was found denied by city officials. A city was rated as “attempts to close loopholes” if either city staff made administrative changes or city councils passed additional legislation that clarified ordinance language in a way that expanded coverage. Cities were scored positively for “easy to obtain information about ordinance” if it was possible to find a copy of the ordinance on the city website, or if phone calls to city information connected a caller directly to a person knowledgeable about the ordinance.

Based on the total scores, municipalities rate to have the most successful implementation were those meeting nine or more of the 14 criteria. Although the specifics vary by location, in general, implementation is strongest where there is at least one full-time person assigned to oversee ordinance administration, who can answer questions about the law and who can be held accountable for problems. In this set up, staff actively monitor the ordinance by reviewing payroll records and inspecting worksites. This case is called “expansive implementation,” in which the ordinance is treated as a living document designed to meet certain goals. Here, staff try to improve upon the ordinance through regular evaluation and recommend amendments to the original language in order to best stay in line with the goals of the policy. Staff attempt to create benchmarks by compiling data on contracts, as well as on the number of employers and employees covered by the ordinance. Information on living wage coverage and compliance is made available to the public.

Alternatively, there is “narrow implementation,” where cities do the minimum to fulfill the technical requirements. In these cases, there is not any full-time staff assigned to administer the law. It is not always easy to find one person who knows about all aspects of the ordinance or can answer

questions. Request for proposals for city bids contain information about the living wage requirement, and employers are asked to sign forms saying they are in compliance with all regulations, but little more is done unless a complaint of noncompliance is filed. Under narrow implementation, it is easy for employers to receive a waiver from the ordinance. These were cities that scored between 1 and 4.

In between expansive and narrow implementation, there is “moderate” efforts—those scoring positive for 5 to 8 of the criteria. Here, there is one accountable staff person who can answer basic questions about the ordinance, and who reviews payroll records for compliance. However, no active monitoring is conducted unless a complaint is filed, and little effort is made to evaluate or improve the ordinance. Finally, there is “blocked implementation,” where the city refuses to implement, the city or state legally challenges the ordinance, or employers threaten to sue the city, causing delays in enforcement.

Note that this categorization is not precise; rather, the features listed in Table 1 are generally associated with a particular implementation effort. However, it is possible for a municipality to be rated as narrow or moderate implementation even if it adopts some of the features listed under the expansive implementation classification. For example, a city may conduct an annual evaluation of its implementation, but then may make waivers easy to obtain, not require employers to submit payrolls on a regular basis, not conduct work site monitoring, and not use policy evaluations to improve implementation.

Through the interviews and data collection, information was also obtained on whether community organizations played any role in implementation. For the purposes of this analysis, “community involvement in implementation” is rated as a simple binary measure: A municipality was given a 1 where non-governmental organizations played a formal or informal role in living wage enforcement. This included any informal mechanisms these advocacy organizations used to influence implementation outcomes, such as lobbying, rallies, press conferences, public reports, or other nonsystematic methods to pressure the city. Information on any formal mechanisms for influencing living wage implementation was also collected. Most common were cases where cities established a committee comprised of city staff and citizen volunteers assigned the task of overseeing living wage implementation. As of the end of 2001, 11 ordinances contained language mandating some form of task force. The size of the task force usually ranges from 5 to 15 members, and in every case to date the ordinance spells out the categories of members. For example, the Cleveland ordinance designates a task force of seven members, including two representatives

from labor organizations, two from the business community, one from a community organization, one from the mayor's office, and one from the city council. The Santa Cruz Living Wage Advisory Body requires "one low-wage or minimum living wage worker." If non-governmental organizations did not use formal or informal methods to influence implementation outcomes, a score of 0 is given to the municipality on the community involvement measure.¹²

Results

Table 2 presents a classification of the ordinances passed before January 2002.¹³ We first note that of the 82 cases, eight (10 percent) can be classified as blocked implementation. This includes a handful of cities where the ordinances were repealed after enactment or legislated out of existence by higher levels of government. For example, the New Orleans ordinance was struck down by the state Supreme Court, while in Santa Monica, California voters narrowly passed a ballot initiative to repeal that ordinance. In a few other cities, such as Omaha, Nebraska, city councils subsequently overturned their ordinances after passage, stating ideological opposition or budget concerns. In one city, Buffalo, New York, the city administration has simply refused to implement the ordinance, despite a judge's ruling mandating that they do so. Buffalo city officials maintain that they do not have the staff time or resources to do so.

Of the remaining ordinances, the largest group (42 ordinances, or 52 percent of the total) is considered to be narrow implementation. The reasons for this vary by city. In some places, implementation seems to simply fall through the cracks: there is no single person in charge, and no one who knows much about the ordinance. There are other cities in which the staff

¹² Initial research in Boston suggests that the employer compliance rate is relatively high, which lends evidence to the argument that the existence of a strong advisory committee leads to more workers actually receiving the living wage (Brenner 2004). However, there is little research from other cities on outcomes with which to compare it. Furthermore, we do not have the counterfactual in Boston: The proportion of workers who would have received the living wage had the Advisory Committee not been in place. Further research is needed on the actual outcomes and their relationship to community involvement, and the classification of living wage implementation processes.

¹³ Each implementing agency is counted as a separate ordinance. For example, while the Santa Cruz living wage coalition was responsible for getting ordinances passed in Santa Cruz City and Santa Cruz County, and is the group pushing for stronger implementation in both cases, the city and county ordinances have been separately counted because they are administered by different bodies that are independent of one another. Similarly, Los Angeles City and County; the City of Oakland and Port of Oakland; and San Francisco City and San Francisco Airport are all counted as individual ordinances.

TABLE 2

IMPLEMENTATION EFFORTS BY CITIES AND COUNTIES, ORDINANCES PASSED THROUGH 2001

Blocked	Narrow	Moderate	Expansive
Buffalo, NY	Ashland, OR	Ann Arbor, MI	Alexandria, VA
Camden, NJ	Bozeman, MT	Baltimore, MD	Boston, MA
Hempstead, NY	Charlottesville, VA	Berkeley, CA	Los Angeles, CA
Monroe County, MI	Chicago, IL	Burlington, VT	LA County, CA
Omaha, NE	Cook County, IL	Cambridge, MA	Miami-Dade, FL
Pittsburgh, PA	Cumberland County, NJ	Cleveland, OH	San Francisco, CA
Santa Monica, CA	Dane County, WI	Corvallis, OR	San Francisco Airport
St. Louis, MO	Denver, CO	Duluth, MN	San Jose, CA
	Des Moines, IA	Hartford, CT	Santa Cruz City, CA
	Detroit, MI	Hayward, CA	Santa Cruz Co., CA
	Durham, NC	Madison, WI	Tucson, AZ
	Eau Claire County, WI	Miami Beach, FL	Ventura County, CA
	Eastpointe, MI	Minneapolis, MN	
	Fairfax, CA	New Haven, CT	
	Ferndale, MI	Oakland, CA	
	Gary, IN	Pasadena, CA	
	Gloucester County, NJ	Port of Oakland, CA	
	Hudson County, NJ	Somerville, MA	
	Jersey City, NJ	Suffolk County, NY	
	Meriden, CT	Toledo, OH	
	Milwaukee City, WI		
	Milwaukee County, WI		
	Milwaukee S. Board, WI		
	Missoula, MT		
	Multnomah County, OR		
	New York, NY		
	New Britain, CT		
	Oyster Bay, NY		
	Pittsfield Township, MI		
	Portland, OR		
	Richmond, CA		
	Richmond S. Board, VA		
	Rochester, NY		
	San Antonio, TX		
	San Fernando, CA		
	Santa Clara County, CA		
	St. Paul, MN		
	Warren, MI		
	Washtenaw County, MI		
	West Hollywood, CA		
	Ypsilanti, MI		
	Ypsilanti Township, MI		
8 (10 percent of total)	42 (52 percent of total)	20 (24 percent of total)	12 (15 percent of total)

is incompetent, ineffective, or personally opposed to the ordinances. There are also cities where the administration is outwardly opposed to the ordinance, and works to stall implementation, water down or repeal the laws. Finally, some city councilors and/or administrators continue to publicly support living wage ordinances but make it easy for employers to receive waivers or exemptions from coverage.

In addition to the blocked and narrow efforts, 12 (15 percent) ordinances can be classified as cases of expansive implementation. While outcomes are not all identical, in these cities, most of the features listed in Table 1 are found. Another 20 (24 percent) cities are classified as moderate implementation. These cities share a number of features with the expansive implementation cities, but generally do not have a consistent and systematic approach to enforcing the law.

I have hypothesized above that the level of involvement by community organizations in the implementation process can affect the likelihood of stronger enforcement. Looking at the data, the correlation appears to hold. In other words, when implementation is left to the city alone, results are weaker than in cases where community organizations are involved. Table 3 categorizes municipalities according to implementation efforts and level of community involvement. The cases where implementation has been blocked out have been left out of the table as these cases mostly involve external forces, such as the courts, state legislature, or city referendums.

Comparing city-only implementation versus places where non-governmental organizations have been involved in some capacity, it can be seen that of the

TABLE 3
IMPLEMENTATION PROCESSES IN CITY ONLY VERSUS COMMUNITY INVOLVEMENT EFFORTS,
ORDINANCES PASSED THROUGH 2001 (PERCENTAGES ARE FOR COLUMNS)

	City only implementation	Community involvement in implementation [†]
Narrow	38 (72 percent)	4 (19 percent)
Moderate	12 (23 percent)	8 (38 percent)
Expansive	3 (6 percent)	9 (43 percent)
Total	53 (100 percent)	21 (100 percent)
Chi-square	21.51*	

NOTE: Columns may not add to 100 percent as a result of rounding.

*Significant at the 0.0001 level.

[†]Cities with community involvement include: Narrow implementation: Chicago, IL; Detroit, MI; San Antonio, TX; and St. Paul, MN. Moderate implementation: Baltimore, MD; Berkeley, CA; Cleveland, OH; Hayward, CA; Oakland, CA; Port of Oakland, CA; Somerville, MA; and Suffolk County, NY. Expansive implementation: Boston, MA; Los Angeles City, CA; Miami-Dade, FL; San Francisco Airport; San Francisco City, CA; San Jose, CA; Santa Cruz City, CA; Santa Cruz County, CA; and Ventura County, CA.

74 ordinances categorized, the largest groups fall into either the city-only/narrow result, or the community-input/expansive result. When cities are left on their own to enforce, 72 percent (38 out of 53) fall into narrow implementation. This is the case where cities do the minimal work to implement and no more. On the other hand, when community groups are involved in the process, 43 percent achieve expansive implementation, where waivers are difficult to obtain, and where staff monitors payroll records, evaluates outcomes, and makes recommendations to the city council on how to close loopholes. Another 38 percent of cases fall into the moderate category. Community involvement is not a guarantee that implementation processes will be strong, but it greatly improves the likelihood. Likewise, it is possible to have expansive results when implementation efforts are purely city-run, but it is highly unusual.

A chi-square test suggests that the correlation in Table 3 is statistically significant. However, it is important to note that the results in this table are subject to measurement error that could bias the correlation presented. For example, it is possible that expansive monitoring resulted in greater newspaper coverage and information about implementation.

The numbers alone do not tell the whole story of how community groups impact implementation, because of the complex relation between city capacity, community involvement, implementation and enforcement. In order to address these complexities, the author relies on case study material collected through interviews and observation of dozens of living wage campaigns (For more detail on these case studies, see Luce 2004).

The first issue to address is that the simple correlation offered in Table 3 does not hold all other factors constant. One factor not included that may be relevant is other forms of community involvement—in particular, that of living wage opponents. Non-governmental organizations also include employer associations such as the U.S. Chamber of Commerce and the National Association of Small Businesses, which generally oppose living wage ordinances and may be just as active in efforts to affect implementation outcomes. Anecdotal evidence suggests that these kinds of organizations have played similar roles in trying to impede living wage enforcement in certain municipalities. For example, a coalition of hotel and restaurant owners led a successful campaign to repeal the Santa Monica, California living wage ordinance before it could be implemented. The chamber of commerce and affiliated employer associations have attempted to pass state legislation outlawing local living wage ordinances in several states, impeding or delaying implementation in cities such as Detroit, Michigan.¹⁴ In Cleveland, Ohio,

¹⁴ Nine states have already passed such laws.

the Growth Association campaigned against the passage of that city's ordinance. The ordinance was eventually passed, but the president of the Growth Association got himself elected as chair of the city's implementation advisory board, and has since used that position to slow down implementation. This suggests that the political struggle that occurs before an ordinance is passed often continues after enactment: both proponents and opponents that are affected by a law may work to influence enforcement. In Table 3, I find four cases with strong community involvement on the part of living wage advocates, with narrow enforcement. It is possible that controlling for the presence of strong living wage opponents in implementation could make the (partial) correlation between community involvement and implementation even stronger.

Second, Table 3, on its own only suggests a correlation between community involvement and implementation but does not say anything about causality. One interpretation might be that cities with expansive implementation are making efforts to bring community members into the implementation process. Here, community involvement might simply be a side effect of a city's expansive implementation efforts. This suggests that expansive enforcement leads to community involvement, rather than the other way around. However, case study evidence does not seem to support this interpretation. Rather, in almost all cities examined, community involvement comes after advocates discover that the city is doing a poor job of enforcement.

One example of that can be found in Baltimore, Maryland, where the first living wage ordinance in the modern era was passed in 1994 after a spirited campaign run by Baltimoreans United in Leadership Development (BUILD) and the American Federation of State, County and Municipal Employees (AFSCME).¹⁵ The Baltimore ordinance established a wage rate for service contract employees, and assigned implementation responsibilities to the Wage Commission, which had already been enforcing the city's prevailing wage law. Although the ordinance required contracting agencies and the Wage Commission to collect full payroll data from contractors and subcontractors and to monitor these employers for compliance, it became clear early on that there were problems. According to Niedt et al. (1999), in a report on Baltimore's implementation, the information on contracts and payroll is "in theory publicly available but in fact is quite difficult to

¹⁵ Two ordinances were passed before the Baltimore ordinance: Des Moines, Iowa in 1988 and Gary, Indiana in 1989. However, the Baltimore ordinance is usually credited as the first because it was the first to utilize a visible grassroots campaign with the term "living wage." The Des Moines ordinance referred to minimum wages, and the Gary ordinance to prevailing wages.

obtain. Contract information is often filed with other city documents with confidential information and would have to be laboriously separated in order to be made available. There is apparently no central file of contract specifications and costs.” In addition, not all employers were submitting the required records, which created a situation where no one was effectively monitoring firms for living wage compliance.

When living wage advocates realized how weak enforcement was, they decided to do what they could on their own to improve implementation. The Solidarity Sponsoring Committee (SSC), a worker’s rights organization formed out of the living wage campaign, sent organizers out to find out if workers were getting their mandated wage. They began to visit bus yards to talk to covered workers. When they found workers who were not receiving their mandated living wage, SSC helped them file complaints with the city, and pushed the city through rallies and public pressure to hold hearings over the case. The Wage Commission held its first hearing on a noncompliance complaint in the fall of 1996 when two former bus aides employed by a bus company claimed they had been paid \$5.00 per hour for a period in 1995 when the required living wage was \$6.10 per hour. The Wage Commission found that 17 workers had not received their mandated wage and ordered the company to pay \$5100 in back wages. A few months later, with the assistance of SSC, hundreds more school bus aides filed complaints, asserting that their employers did not give them the legally mandated wage increase required in 1996. The 26 bus companies responded that they were paying the original wage of \$6.10 per hour, but that the city never notified them in writing that the wage minimum would increase to \$6.60 per hour in July (Matthews 1996). The Board of Estimates ruled in favor of the workers and ordered the bus companies to pay back wages and raise the hourly wages to \$6.60 per hour.

Boston, Massachusetts is another city where living wage advocates had to push the city to improve its implementation efforts. After a fairly short campaign by the state AFL-CIO (American Federation of Labor and Congress of Industrial Organization), a local labor council, the community organization ACORN (Association of Community Organization for Reform Now) and others, the city of Boston passed a living wage ordinance in 1997. The campaign was able to win a provision in the law requiring the city to establish a living wage advisory committee, comprised of city staff and living wage supporters and opponents. However, implementation of the ordinance was initially stalled when business organizations threatened to sue the city over certain disclosure and coverage provisions. The mayor also tried to back away from a strong Advisory Committee, but living wage supporters insisted the provision be maintained. After a year of negotiations

and pressure from living wage advocates, the city and coalition reached a new compromise ordinance and implementation efforts began. Since that time, the Advisory Committee has played a large role in the implementation process, including leading the efforts to expand coverage and raise the wage level, and writing new regulations that closed loopholes and created a more stringent waiver process.

A third issue to consider when examining the simple correlation between community involvement and implementation is the complex interplay reflected in the relationship between civil society and polity. It is possible, for example, that municipalities with strong community organizations may have been successful in electing city councilors sympathetic to their goals (and ejecting those who are not sympathetic). Here, community involvement occurs first at the electoral level. Pro-living wage candidates are elected, who go on to direct their staff to engage in strong enforcement, who then pull the community groups into the implementation process.

To some extent, this is what happened in the city of Los Angeles. It was among the early cities to pass an ordinance when it did so in 1997. Living wage advocates had already developed strong ties to city council member Jackie Goldberg, as well as her chief of staff Sharon Delugach. Goldberg sponsored the ordinance and helped to get it passed. She and Delugach helped create the space that allowed for living wage coalition lawyers to play a large role in writing regulations for the ordinance, and in getting responsibility for implementation assigned to the Bureau of Contract Administration (BCA). Initially, living wage coalition members were enthusiastic about their chances to work with the BCA staff assigned to monitor the ordinance. However, the relationship soon became contentious when the coalition observed that the BCA chose to interpret the law narrowly, and not apply the ordinance to numerous employers, including the airlines at the city-owned airports. Tension also arose over other aspects of implementation. The coalition had won a provision in the regulations that allowed representatives of nonprofit organizations to visit worksites to conduct trainings and inform employees of their rights under the living wage ordinance. However, the BCA ruled that coalition members would not be allowed to do the trainings because they were not a neutral body.

As it became clear that a cooperative working relationship with the BCA was not possible, the main organization behind the living wage campaign, the Los Angeles Alliance for a New Economy (LAANE), decided to work for stronger implementation of the living wage through other channels. First, they worked with unions to keep steady pressure on the city council from the outside to improve implementation. When airlines at the Los Angeles International airport refused to comply with the ordinance,

LAANE responded by pressing for adoption of the ordinance at the airports through several tactics. They hoped to push the airlines into voluntarily adopting the law by holding rallies at the terminals and building community support for their cause. A march and rally at the Los Angeles airport in March 1998 attracted over 500 people, including national AFL-CIO secretary Linda Chavez-Thompson. The coalition also worked to pressure the city council and mayor to ask the airlines to adopt the measure. Finally, they pursued legislative amendments to the ordinance that would make it explicit that the airlines were covered.

In addition to struggling over the airport, the living wage coalition also worked to ensure that the law would cover major subsidies. In early 1998, coalition members got word of city negotiations over a large redevelopment project in Hollywood. The project was with major developer TrizecHahn, which had plans to develop a new entertainment/retail complex. When the coalition found out about the negotiations, they immediately made it known that they wanted the living wage to apply to the deal. After extensive campaigning, TrizecHahn agreed not only to pay living wages and benefits to its workers but also agreed to require retailers leasing space in the development to pay living wages and give first priority in hiring to Hollywood residents. In addition, the Living Wage Coalition won an agreement that required 700 to 800 of the staff positions at the new development to be unionized. Similar agreements were won for five other major developments in the city.

Finally, the coalition pushed the council to improve implementation in general. After more than a year of narrow enforcement, the living wage coalition built support within the city council to revise the law and improve implementation. In particular, at the urging of the living wage coalition, the council moved the responsibility for living wage implementation from the BCA to the City Administrative Office (CAO), and hired Spanish-speaking staff that could answer questions from covered employees. In addition, LAANE also succeeded in getting the city council to unanimously pass amendments to the ordinance in 1998, closing loopholes and expanding the coverage.

This case study highlights the complexity of the relationship between city enforcement and community involvement. In Los Angeles, living wage advocates had already established some ties with elected officials. That relationship facilitated the passage of the ordinance, but also opened a space for the advocates to be involved in implementation. However, that relationship was not enough to ensure expansive enforcement. The coalition still had to wage a political struggle to win a larger role in the process. Expansive implementation came only after that struggle was won.

A fourth and related complexity is that the relationship between community involvement and implementation is dynamic. The measures in Table 3 capture the implementation at one period in time: the last part of 2001. But as seen in the previous examples, implementation processes and outcomes change over time in some cities. In Baltimore and Los Angeles, community organizations got involved to improve what they saw as narrow implementation. As a result, we now see moderate implementation in Baltimore, and expansive in Los Angeles. In Boston, implementation was initially blocked. With continued pressure from living wage advocates, and eventual participation of the Living Wage Advisory Committee, the city now has expansive implementation.

These are all examples of positive dynamic developments. Negative dynamic developments are also possible. Tucson, Arizona was one of only two cities where there was city-only expansive implementation at the end of 2001. City Administrator Ray Valdez did an effective job of implementing that city's ordinance on his own, including visiting work sites, producing materials about the living wage to provide directly to workers, and working with employers to make sure they were in compliance. Community groups did not play a role in implementation. In 2002, the city cut Valdez's position as a result of a budget shortfall. There was no organized opposition in place to defend the job, as there had been in other cities where community organizations had played a more integral role in the implementation. Whether such a force could have saved Valdez's position is not clear, but further research must consider the impact of the absence of community involvement in explaining implementation outcomes and changes over time.

Discussion

We can see from the material presented here that there is a complex relationship between community involvement, implementation processes and living wage outcomes. The data indicates that although living wage advocates have helped elect sympathetic city council members in some cities, few city administrators will take up expansive implementation efforts on their own. Rather, when left to their own devices, administrators appear to pursue narrow or moderate enforcement. If this is the case, it suggests the need for further research in several key areas to develop a better understanding of the precise ways in which living wage advocacy groups might support better implementation. The case studies suggest two ways in which the presence of non-governmental organizations may improve policy implementation

processes: improving the ability of the state to do its job, and overseeing the state's actions. At the same time, there are some limitations on what community groups can do.

Enhance State Capacity. A closer look at cities with expansive living wage implementation suggests that non-governmental organizations may enhance state capacity. That is, community groups can bring resources, knowledge and expertise to supplement the existing resources of the state. In some cases, this is necessary because the state is reluctant to put the necessary level of resources into administration and implementation. Unlike Boston and Los Angeles, most cities don't have a specific person (or persons) assigned the job of living wage oversight. Instead, the job falls to a department, or departments, already doing other tasks. City officials on their own are not able to adequately monitor workplaces for compliance.

In cities without any staff, enforcement is complaint-driven, meaning that if workers call the city to say they are not receiving the living wage, the city has the power to investigate the claim and require compliance and possibly impose penalties. In the absence of complaints and assigned staff, it is highly unlikely that anyone will check payroll records or visit worksites. It is difficult for a worker to file a complaint if there is no department or person assigned to living wage implementation, so the absence of complaints may be the effect as well as the cause. In these cases, enforcement is likely to occur only when non-governmental organizations get involved in the process.

Even where there are full-time staff assigned to monitor the ordinance, there may not be enough staff hours to do the job adequately. For example, Tucson, Arizona had one full-time person to oversee 50 to 60 contracts, while Boston has one and a half staff to oversee several hundred. This means that some cities are understaffed and cannot monitor thoroughly. In such a situation, non-governmental organizations can supplement the state's ability to do its job. In Boston, the Advisory Committee has been active in collecting data and financial records on firms that file for waivers. In Baltimore, Solidarity Sponsoring Committee organizers went to covered worksites to talk to workers to see if they were receiving the required wages. In addition to doing the work of information gathering, community groups and non-governmental participants can also enhance state capacity by bringing in knowledge or expertise. In a few cities, living wage advocates serving on implementation task boards are lawyers or researchers. Some are union or community organizers who are skilled at finding workers and talking to them about working conditions. Under many circumstances,

living wage advocates may be able to get information about wages from covered workers more easily than a city staff person. Further research is needed to examine the dynamics between community organization involvement and implementation in each of these cases—unclear authority for enforcement, complaint-driven enforcement, and understaffed city administration.

Watchdog on Government. Non-governmental organizations might also be able to improve implementation by serving as watchdogs on the state. As mentioned above, policies such as the living wage are seen by many city leaders as an obstacle to their ability to attract new business development to their cities. Indeed, few mayors have been ardent supporters of living wage ordinances, and many have actively opposed them. Speaking of the Toledo ordinance, former Mayor Carty Finkbeiner said that he “swallowed hard” to accept it. “Our job was to bring in jobs, not drive away jobs,” said Finkbeiner (Troy, 2002). When ordinances are passed over the objections of or without support from top city administrators, it is possible that city staff will not be as thorough in their efforts to enforce the laws. City staff may even be discouraged by their superiors from actively enforcing living wage ordinances. For this reason, non-governmental organizations can improve chances of implementation by applying pressure on the city from the outside in a watchdog capacity. Citizen groups can even assist city staff who wants to enforce the ordinance, by providing them ‘political cover’ to do their jobs.

Limitations on Community Involvement

Although community involvement can improve municipal governance, one cannot assume that it will solve all implementation problems or replace the state as the chief implementation agent. Community organizations are subject to some of the same constraints as state governments—for example, they may have weak capacity, or the social movements they are a part of may fade away over time. Individual activists are subject to “capture” much like government officials.

In addition, many of the organizations involved in the campaigns lack a direct incentive to monitor the ordinances. It is not enough for cities to create the space for community involvement: those actors must be motivated to do an effective job. For example, in Cleveland, although there were two seats for union representatives on the living wage task force, one member never came to meetings, and the other attended but offered

little input. Apparently, the union representatives had little or no incentive to put time into living wage enforcement. This may be because they didn't see the connections between the living wage and organizing opportunities for their union, or because they saw living wage enforcement as low priority compared to other tasks they had to do. In contrast, activists in Baltimore and Los Angeles had specific goals: talking to workers and getting them to join worker organizations. For this reason, finding cases of employer noncompliance gave SSC in Baltimore and LAANE in Los Angeles greater organizing opportunities. They could use living wage implementation as a way to talk to workers, and a way to show the power and value of their organizations. Thus, it cannot be assumed that all community organizations will possess positive incentives to monitor the ordinances. Because they face numerous constraints on their own ability to do the work, and they do not have the force of law behind them, they should only be seen as a complement to state enforcement, not a substitute. The issue of motivation to monitor is key, and one that deserves further attention.

Conclusion

Although there have been more than 120 living wage ordinances passed across the country in the past 10 years, there has been relatively little research on their impact on cities, firms and workers. The findings in this paper suggest that a crucial aspect to consider when examining the impact of living wage laws is the degree to which these laws are actually enforced. The results also confirm that understanding public policy requires studying implementation, and not just policy passage. Implementation can be complex, even when the policies themselves are relatively straightforward. Living wage ordinances provide an excellent opportunity to study the variation in implementation and monitoring.

A number of factors appear relevant in explaining what happens after living wage ordinances are passed. In a few cases, city staff persons are managing to successfully implement ordinances. This outcome appears to depend on having at least some dedicated staff with the authority and resources to do the work and to be held accountable for implementation. Under such conditions, it is also important that the city establishes a manageable ratio of staff to contracts and economic development projects, and that there be neutrality, if not support, for implementation from higher authorities in the city administration. But this type of successful outcome is rare in the case of living wage implementation.

Instead, successful implementation in most cases seems to rely on pressure from or participation of outside forces. In cities where non-governmental organizations participated in monitoring and enforcement, implementation appears to have been more successful. This may be because external “protest” politics as well as internal approaches can improve the city’s capacity to enforce. These tactics can give greater legitimacy to city staff to do their job, contribute some of the information and resources needed to do the job, and help create state capacity by pressuring the city to commit adequate staff and resources to implementation.

The findings presented here also have potential implications for the role of community organizations in policy implementation more generally. These results suggest that the integration of non-state actors into the process of policy administration can improve the likelihood of successful implementation. However, the groups must have the incentive to represent potential beneficiaries and must have real stakes in the outcomes—stakes beyond a basic support for the concept of the law. Implementation and monitoring take resources and enormous effort. Organizations strapped for time will only pursue this work if they can perceive direct gains, such as unionizing low-wage workers or winning raises for community residents they represent.

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