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Illinois Supreme Court Rules That Employers Must Pay for Pre-Shift and Post-Shift Activities

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On March 19, 2026, the Illinois Supreme Court ruled that under the Illinois Minimum Wage Law, employers must pay hourly workers for time spent performing required pre-shift and post-shift activities when employees are on the employer's premises.

This Illinois state law requirement is different from federal law, which exempts employers from paying for certain activities that occur before or after an employee's principal work activities. For years, many employers assumed this federal exemption also applied to Illinois wage law.

In *Johnson v. Amazon.com Services, LLC*, Illinois Supreme Court rejected that assumption and ruled that Amazon warehouse workers who underwent mandatory COVID-19 health screenings that took 10 to 15 minutes before they clocked in had to be paid for that time because Illinois law defines compensable hours as all of the time that an employee is required to be on the employer's premises. The court also ruled that because Illinois law does not reference the federal exemption, the federal exemption does not apply to claims brought under the Illinois wage law.

For Illinois employers, this ruling means that employees must be paid for time spent performing pre-shift activities and post-shift activities if they are required to be on the job site. The extent to which this ruling will apply to time spent donning and doffing uniforms and personal protective equipment has not been determined, but the Illinois Supreme Court held that Illinois law requires compensation for "all time an employee is required to be on the employer's premises" and explicitly stated this definition "necessarily includes preliminary and postliminary activities."

One size does not fit all. The Illinois Minimum Wage law contains industry/occupation-specific exclusions, overtime carveouts and provisions that apply to collective bargaining agreements, which means that each employer's situation needs to be individually evaluated. Potentially covered employers should review their timekeeping practices to evaluate whether their hourly employees are compensated for all time they are required to be on the premises, consider

whether it would make sense to adjust start times, modify clock-in procedures, and/or restructure how pre-shift and post-shift activities are conducted and consult qualified counsel to determine the extent of their potential exposure.