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SCOTT D. MEYERS

ST. LOUIS:

314.345.6274

SCOTT.MEYERS@

HUSCHBLACKWELL.COM

AMANDA ELLIS

ST. LOUIS:

314.345.6477

AMANDA.ELLIS@

HUSCHBLACKWELL.COM

RYAN T. PROBASCO

CHICAGO:

312.526.1524

RYAN.PROBASCO@

HUSCHBLACKWELL.COM

Illinois Supreme Court Expands Compensable Work Time: What Employers Need to Know

On March 19, 2026, the Illinois Supreme Court issued a landmark decision that fundamentally reshapes wage and hour law for Illinois employers. In *Johnson v. Amazon.com Services LLC*, the Court ruled that the Illinois Minimum Wage Law (IMWL) does not automatically incorporate the federal Portal-to-Portal Act's exclusions for "preliminary" and "postliminary" activities. As a result, employer-required activities performed before or after a scheduled shift may now be eligible for compensation under Illinois law, even if such activities do not qualify for compensation under federal regulations.

The decision materially increases wage and hour liability exposure for Illinois employers and sends a clear message: federal compliance alone is no longer sufficient in Illinois.

Case Summary

The dispute began when Amazon warehouse employees sued for unpaid wages related to mandatory pre-shift COVID-19 screenings that took 10 to 15 minutes each day. The employees alleged violations of both the federal Fair Labor Standards Act (FLSA) and the IMWL.

The federal district court dismissed the class action complaint, determining that the Portal-to-Portal Act (PPA) precluded the FLSA claims. The PPA excludes compensation for "preliminary or postliminary activities" unless such activities are deemed "integral and indispensable" to employees' principal work activities. Since the employees' main duties were moving and stacking packages, the district court found the health screenings did not meet this strict federal standard. It applied the same reasoning to the IMWL claims, resulting in a full dismissal of the case.

The plaintiffs filed an appeal with the Seventh Circuit over the dismissal of the IMWL claims. They argued that, given the absence of controlling Illinois precedent, the Appellate Court should certify to the Illinois Supreme Court the question of whether the IMWL incorporates the limitations of the PPA. After considering each party's position, the Seventh Circuit certified this question, finding that both sides had presented plausible arguments on what it considered an issue of "tremendous significance" that would have a wide-ranging impact on workers.

What the Illinois Supreme Court Decided

Approximately eight months after the Seventh Circuit's decision to certify this question, the Illinois Supreme Court responded, ruling that the IMWL does not incorporate the federal PPA. As a result, time spent traveling to or from principal work activities, as well as on preliminary or postliminary tasks, may not be automatically excluded from compensation. In doing so, the Court based its decision on two key findings:

First, the plain language of the IMWL does not include the PPA's exclusions. While Illinois incorporated certain FLSA provisions into the state statute, it did not incorporate the PPA's categorical exclusions for preliminary and postliminary activities. The Court found no mention of the PPA or of preliminary or postliminary activities anywhere in the IMWL and declined to read such exclusions into an otherwise unambiguous statute.

Second, Illinois Department of Labor regulations define "hours worked" more broadly than federal law. The IDOL defines the term to include "all the time an employee is required to be on duty, or on the employer's premises, or at other prescribed places of work, and any additional time the employee is required or permitted to work for the employer" as opposed to the narrower "principal activities" framework.

To that end, the Court made clear that Illinois law requires an independent analysis under state standards, not simply a mirror of federal law. This ruling aligns with a broader trend of the Illinois Supreme Court interpreting the IMWL expansively.

What Activities Are Now at Risk?

This ruling could impact tens of thousands of Illinois workers in various industries concerning pay for required activities before and after their shifts. The legislature could resolve this by adding provisions like the PPA, as other states have after similar court rulings. It is also possible that lower courts will still find certain activities to be noncompensable based on considerations specific to the job. But employers can no longer rely on the PPA's categorical exclusions to avoid a case-by-case analysis under the broader Illinois standards.

Until we see a legislative fix or guidance from lower courts, Illinois employees now have an easier path to claiming compensation for time spent on activities such as:

Donning or doffing required protective clothing, uniforms, or safety gear.

Booting up/down and logging on/off computer systems or equipment.

Troubleshooting technical issues before starting primary duties.

Installing or updating required software or updates.

Completing pre- or post-shift security inspections or screenings.

Conducting safety or equipment inspections.

Retrieving and returning required tools or equipment.

Put simply, if the employer requires or mandates the activity, and it occurs on the employer's premises or under the employer's control, it **may** now be compensable under Illinois law, even if it would not be compensable under federal law.

What Employers Should Do Now

Don't wait for a class action complaint to arrive. Employers with hourly workers in Illinois should immediately audit their timekeeping practices to identify any required pre-shift or post-shift activities that are not currently compensated. Given the potential for costly litigation, consider revising policies to compensate employees for this time or restructuring operations to minimize such activities where feasible. With the PPA defense now off the table, even seemingly minor activities could trigger significant liability when multiplied across your workforce.

Contact Us

If you have questions about how this decision may impact your business or ongoing litigation, please contact Scott Meyers, Amanda Ellis, Ryan Probasco, or your Husch Blackwell attorney. We are here to provide guidance tailored to your specific needs.