Insights

ILLINOIS EMPLOYERS MUST PREPARE TO PAY EMPLOYEES FOR JURY DUTY STARTING JANUARY 1, 2027

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Illinois employers with more than 25 employees must pay employees their regular rate of pay for time spent on jury duty, effective January 1, 2027. The amendments to the Illinois Jury Act and Jury Commission Act were signed by Governor Pritzker on July 31, 2026, giving covered employers time to update payroll practices, leave policies, and manager guidance before the pay obligation begins.

Covered Illinois employers should use the time before January 1, 2027 to resolve open payroll and policy questions, including juror-fee offsets, scheduled-hours limits, overtime treatment, and application to part-time and other nontraditional employees.

Key Requirements

- Applies to Illinois employers with more than 25 employees.
- Requires payment for jury duty time at the employee’s straight-time rate of pay.
- Directs employees to provide the summons to the employer within 10 days after issuance to them.
- Continues to prohibit retaliation or interference with jury service.

Impact on Overtime Rules

Jury-duty pay does not count as “hours worked” for overtime purposes unless an employer policy, collective bargaining agreement, or employment agreement provides a more generous rule. This jury-duty pay at the employee’s usual straight-time rate differs from the technical “regular rate” used to calculate overtime, which may include other forms of compensation and is calculated under wage-and-hour rules.

Issues Unique to Part-Time Workers

Because the statute broadly applies to all employees, employers should assume that part-time, temporary, seasonal, and per-diem workers are covered if they fall within the statute’s definition of employee. Employers must adopt consistent policies for these employees, but the amended law does not state whether employers may limit jury-duty pay to scheduled shifts, change a scheduled shift to avoid triggering jury-duty pay, treat swapped shifts or on-call periods as compensable, or use an average-hours or assigned-rate method when an employee has varying roles and pay rates.

Compliance Checklist

Although the pay obligation does not begin until January 1, 2027, Illinois employers should update payroll practices, leave policies, and manager guidance now. Waiting until an employee requests jury-duty pay may leave payroll and managers without clear instructions, increasing the risk of inconsistent administration, incorrect overtime calculations, retroactive corrections, and avoidable wage-and-hour disputes. Employers should consider taking the following steps before the effective date:

- Confirm whether employer is covered by the more-than-25-employee threshold.
- Review and update Illinois jury-duty leave policies, handbooks, collective bargaining agreements, offer letters, and other paid leave materials to reflect the new paid jury-duty leave requirement.
- Notify employees of the change and its requirements.
- Use a separate payroll code for jury-duty pay and confirm that jury-duty hours are excluded from hours-worked totals used to calculate overtime, unless a more generous rule applies.
- Set a policy for the items not yet covered by the amended statute:
    - Whether pay is limited to scheduled work hours or the full day.
    - Whether the employer will offset court-paid juror fees from jury-duty pay.
    - Consistent treatment of covered part-time, temporary, seasonal, and per-diem employees, including irregular schedules, unposted shifts, shift swaps, on-call status, split shifts, and variable pay rates.

Contact Nancy J. Townsend or another member of Krieg DeVault's Labor and Employment Team for practical guidance on implementing the new jury-duty pay requirements or addressing any other employment-law questions.
