**Section 2765.333 Effect of Ineligibility Under Section 612 on Chargeability Under Section 1502.1 of the Act**

Whenever the individual's last employer is an educational institution or is an educational service agency, then the educational institution or educational service agency shall not be liable for benefit charges on the basis of benefits paid to that individual during the period between two consecutive academic years or terms if the individual has a reasonable assurance that he or she will perform service in any capacity for any educational institution or educational service agency in the second of the academic years or terms. In these instances, it is not necessary that the individual be ineligible under Section 612 of the Act if Section 612 would have applied if the individual had had wages from an educational institution or educational service agency during his or her base period. This Section shall also apply to payments in lieu of contributions.

a) EXAMPLE: An individual is employed as a teacher for a public school. However, during his base period, he earned sufficient wages from a non-educational employer to qualify for benefits. If this individual is held to be ineligible during a period between academic terms on the basis of his wages from the public school, he could still qualify for benefits based on his wages from the non-educational employer. Even if the public school would otherwise be the individual's last employer pursuant to this Subpart, the public school will not be liable for any benefit charges that might accrue as a result of payments to that individual during his period of ineligibility under Section 612 of the Act.

b) EXAMPLE: The individual is employed by a private employer during his entire base period. Thereafter, he obtains work as a teacher for a public school. When he is off of work during the summer, the individual applies for unemployment insurance benefits. If this individual has a reasonable assurance in the second academic year or term, then the public school is the last employer during this period, but it will not be liable for any benefit charges or payments in lieu of contributions that might accrue as the result of payments made to this individual. In this case, any benefit charges will be pooled.

c) EXAMPLE: The individual is employed by a private employer during his entire base period. Thereafter he obtains work as a teacher for a public school. He is discharged by the school for non-disqualifying reasons and files a new claim with a benefit year beginning January 10, 1993. He is then paid benefits for the period from January 10, 1993 through January 30, 1993, at that time he is rehired by this same public school. If the school meets the other requirements for chargeability, it will be liable for any benefit charges or payments in lieu of contributions that accrue for this period. However, if this same individual is then off of work during the summer and has a reasonable assurance of similar employment in the second academic year or term, while the public school would otherwise be the chargeable employer during this period, it will not be liable for any benefit charges or payments in lieu of contributions that might accrue as the result of payments made to this individual during the period. In this case, any benefit charges will be pooled. However, this pooling occurs only for the period of ineligibility or potential ineligibility under Section 612 of the Act.

d) EXAMPLE: Assume the same facts as in subsection (c), except that the individual is later laid off for lack of work by the school district for the week ending October 16, 1993. The school district will be the chargeable employer for this week.

e) EXAMPLE: The individual is employed by Company A for 2 years until his layoff in May 1993. He is then employed for 20 days by a public school district as a teacher. He is laid off for the summer vacation but has a reasonable assurance of reemployment by the school district when the new academic year or term begins. The individual is not ineligible for benefits under Section 612 of the Act because he was not employed by the school district during his base period. Because Company A is the last employer for whom this individual performed services for at least 30 days, it is the chargeable employer for any weeks paid to this individual during the summer period. Section 1502.1A(3)(a)(ii)(5) of the Act does not apply to this situation because Company A is not the employer that laid the individual off between academic years or terms.

(Source: Amended at 43 Ill. Reg. 6480, effective May 14, 2019)