

~~(5) AN INDIVIDUAL MAY NOT BE PAID BENEFITS BASED ON SERVICE DESCRIBED IN PARAGRAPHS (3) AND (4) FOR ANY WEEK OF UNEMPLOYMENT THAT BEGINS DURING AN ESTABLISHED AND CUSTOMARY VACATION PERIOD, OR HOLIDAY RECESS IF SUCH INDIVIDUAL PERFORMS SUCH SERVICE IN THE PERIOD IMMEDIATELY BEFORE SUCH VACATION PERIOD, OR HOLIDAY RECESS, AND THERE IS A REASONABLE ASSURANCE THAT SUCH INDIVIDUAL WILL PERFORM SUCH SERVICE IN THE PERIOD IMMEDIATELY FOLLOWING SUCH VACATION PERIOD, OR HOLIDAY RECESS.~~

~~[(5)] (6) In this subsection, the term "institution of higher education" has the meaning stated in §20 (c) of this article AND THE TERM "EDUCATIONAL INSTITUTION" HAS THE MEANING STATED IN §20 (U) OF THIS ARTICLE.~~

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(c) (2) (i) If the claimant's unemployment is caused by a shutdown by his employer for the purpose of having employees take their vacations at the same time, OR BY A SHUTDOWN FOR INVENTORY OR OTHER PURPOSE CAUSING UNEMPLOYMENT FOR A CERTAIN DEFINABLE PERIOD NOT EXCEEDING THREE WEEKS IN ANY BENEFIT YEAR, all benefits paid to the claimant shall be charged against the experience-rating record of the claimant's current employer.

(3) (i) If an employer's experience-rating record has been chargeable with benefits throughout the 36-consecutive-calendar-month period ending on the computation date (as defined in paragraph (9) of this subsection)[,] and each of his annual payrolls, as defined herein, during the three calendar years immediately preceding the computation date for that fiscal year equals or exceeds [\$200.00] \$200, the employer shall be assigned an earned rate based upon his experience as provided [herein; except that] IN THIS PARAGRAPH. HOWEVER, any employer who has not been subject to the provisions of this article for a period of time sufficient to meet the 36-consecutive-calendar-month requirement shall for each fiscal year have his rate computed on the basis of his experience [provided] IF his account has been chargeable with benefits throughout at least the 12-consecutive-calendar-month period ending on the computation date[,] and [provided further that] each of his annual payrolls, as defined herein, during the two calendar years immediately preceding the computation date for that fiscal year equalled or exceeded [\$200.00] \$200. [Provided, that] HOWEVER, if an employer has met all the other requirements of the law to qualify for an experience rate, but does not have the required annual payrolls because he failed to pay contributions due and payable, on or before the computation date, his contribution rate for the following fiscal year shall be his earned rate or the standard rate, whichever is the greater[, provided further that] AND if an employer has failed to file reports due [and/or] OR has failed to pay all contributions due and payable, as required by [the provisions of] this article and the regulations adopted [thereunder] UNDER IT, as of the