

(4) An individual may not be paid benefits based on covered service performed in any capacity other than an instructional, research, or principal administrative capacity for any educational institution, or for a nonprofit organization or a governmental entity on behalf of an educational institution for any week of unemployment that begins after December 31, 1977, during a period between two successive academic years or terms, if the individual performs the service in the first year or term and there is a reasonable assurance that the individual will perform the service in the second year or term. Before July 1 of each year each such educational institution shall provide the Employment Security Administration with the name and social security number of each individual who has reasonable assurance that he will perform such service in the next academic year. If, however, that individual is not offered an opportunity to perform the service for the educational institution for the next successive year or term, the individual shall be paid retroactively, provided the individual:

- (i) Filed a timely claim for each week;
- (ii) Is otherwise eligible; and
- (iii) Was denied benefits solely under this paragraph.

(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 the individual performs the service in the period immediately before the vacation period, or holiday recess, and there is a reasonable assurance that the individual will perform the service in the period immediately following the vacation period or holiday recess.

(6) (i) For purposes of this paragraph "educational service agency" means a governmental entity which is established and operated exclusively for the purpose of providing such service to one or more educational institutions.

(ii) In the case of an individual who performs services in an educational institution in the employ of an educational service agency, in any of the same capacities described in paragraphs (3) and (4) of this subsection, the individual [may] SHALL be denied benefits in the same manner described in paragraphs (3), (4), and (5) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.

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