**Section 2915.40 Ineligibility of Employees Working in One Capacity for an Academic Employer Who Cross Over Within Years or Terms to Work in Another Capacity for the Same Type of Academic Employer**

a) For the purposes of this Part, an individual can perform services for an academic employer in either or both of two capacities: professional or non-professional. "Professional" means services performed in an instructional, research, or principal administrative capacity. "Non-professional" means all other services.

b) For the purposes of this Part, there are two types of academic employers. The first type is an educational institution, as well as an institution of higher education and an institution of higher learning. The second type is an educational service agency.

c) If an individual performs services for one type of academic employer in one capacity during the period before a vacation period or holiday recess within an academic year or term, and there is a reasonable assurance that the individual will perform services in a different capacity for the same type of academic employer for the period immediately subsequent to the vacation period or holiday recess, the individual shall be ineligible for benefits under Section 612 of the Act during the vacation period or holiday recess.

EXAMPLE: If a teacher employed by an educational institution receives assurance that at the end of the Christmas holidays his employment with that educational institution will continue in January but in the capacity of a security guard rather than as a teacher, the individual has crossed over from one capacity to another and shall be ineligible for benefits under Section 612 of the Act during that period.

(Source: Amended at 43 Ill. Reg. 6555, effective May 14, 2019)