

EMPLOYER STATUS DETERMINATION
Southern California Regional Rail Authority

This is the decision as to the continued status of the Dispatching Department (Dispatching) of the Southern California Regional Rail Authority (SCRRA) as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.).

In Board Coverage Decision (B.C.D.) 02-12, dated February 12, 2002, we affirmed Board Coverage Decision (B.C.D.) 94-116, dated December 14, 1994, that SCRRA is not an employer under the Acts, with the exception of Dispatching, which was created when SCRRA hired former employees of Amtrak to provide dispatching services which had previously been provided by Amtrak as a contractor. In B.C.D. 02-12 we found that Dispatching was segregated from the other activities of SCRRA, and was a covered employer under the Acts effective October 1, 2002. In that decision we noted that employees of Dispatching were supervised solely by the Dispatching Manager, and that there was strict personnel separation between Dispatching and the rest of SCRRA's operations.

In a letter dated September 3, 2008, Mr. Charles A. Spitulnik, counsel for SCRRA, advised the Board that there have been several changes in the reporting relationships within the organization of SCRRA. Previously, Dispatching reported to the Supervisor of Dispatch Operations, who reported to the Manager of Dispatching Operations. That Manager, in turn, reported to Mr. Edward Quicksail, the Director of Operations. Under the reorganized structure, Dispatching still reports to the Dispatching Manager. However, another layer of management has been added between the Dispatching Manager and the Director of Operations. The Dispatching Manager now reports to an Assistant Director of Operations, who then reports to Mr. Quicksail, the Director of Operations. According to Mr. Spitulnik, the Dispatching Manager still is the sole supervisor of the employees in Dispatching, and Dispatching will continue to have a separate payroll department.

In light of the above, it is determined that the change in reporting relationships reported by SCRRA do not change the determination of B.C.D. 02-12 that SCRRA is not a covered employer under the Acts, and that the Dispatching Department of SCRRA is a covered employer under the Acts.

Original signed by

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