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November 5, 2024

VIA ELECTRONIC MAIL ONLY: ssyed@actransit.org

Director Sarah Syed
Board of Directors
Alameda-Contra Costa Transit District
1600 Franklin Street
Oakland, CA 94612

Re: Closure of Complaint Investigation

Dear Dir. Syed:

I am writing to you as special counsel to the Alameda-Contra Costa County Transit District (District).

This letter is to inform you that the District has completed its investigation into the complaint against you alleging that you (1) engaged in bullying and disrespectful conduct toward General Manager/CEO Michael Hursh, and (2) improperly interfered with his ability to conduct his duties as General Manager.

Attorney Timothy L. Reed at the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, O.C. conducted a comprehensive investigation in line with the District's commitment to maintaining a respectful and safe work environment.

Mr. Reed collected and considered evidence, including Mr. Hursh's complaint and interviews, your interviews, interviews of other parties involved, video recordings and minutes of District Board of Directors meetings, and other pertinent records. Following a fair, impartial, and thorough investigation, the investigator did not substantiate that there were any violations of Board Policy No. 201, Anti-Bullying and Prevention of Abusive Conduct. However, the investigator found, by a preponderance of the evidence, that you violated Board Policy Nos. 101 and 702 because you failed to deal with District employees solely through a Board Officer with supervisory responsibility over such employees, and you engaged in direct communication with staff that could have been interpreted as orders to employees that are under the jurisdiction of a Board Officer.

To address these findings, the Board (as opposed to only you, as a single director) will engage in additional training on Board roles and communicating with staff. In addition, the Board will conduct additional bullying and harassment training (though the related complaint was not substantiated). Finally, the Board will engage a coach to be available to work with you and other Board members, as desired, on Board effectiveness and engagement.

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Thank you for cooperating in the investigation. This is to remind you that the District does not tolerate retaliation of any kind toward employees who have made complaints or cooperated in workplace investigations. If you have any questions about this prohibition, feel free to contact me or General Counsel/Chief Legal Officer Aimee Steele.

The District now considers this matter closed.

Very truly yours,



Shayna M. van Hoften
Partner
AC Transit Special Counsel, former Interim General Counsel

cc: Aimee Steele, General Counsel/Chief Legal Officer