

SHAYNA M. VAN HOFTEN
PARTNER
DIRECT DIAL (415) 995-5880
DIRECT FAX (415) 995-3515
E-MAIL svanhofte@hansonbridgett.com



November 5, 2024

VIA ELECTRONIC MAIL ONLY: mhursh@actransit.org

Michael Hursh
General Manager/CEO
Alameda-Contra Costa Transit District
1600 Franklin Street
Oakland, CA 94612

Re: Closure of Complaint Investigation

Dear Mr. Hursh:

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 you made that Director Sarah Syed (1) engaged in bullying and disrespectful conduct toward you, and (2) improperly interfered with your ability to conduct your 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 your complaint, 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 preponderance of evidence establishes violations of Board Policy Nos. 101 and 702 pertaining to allegations that Dir. Syed failed to deal with District employees solely through a Board Officer with supervisory responsibility over such employees, and that she 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 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 Dir. Syed and other Board members, as desired, on Board effectiveness and engagement.

Thank you for bringing forth your concerns and for your cooperation in the investigation. The District prohibits retaliation against employees who have made complaints and against persons

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who participate in workplace investigations. Please contact General Counsel/Chief Legal Officer Aimee Steele if you believe you are being retaliated against for having participated in this investigation.

The District now considers this matter closed. Please contact me or the Board President if you have concerns regarding its resolution.

Very truly yours,



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

cc: Aimee Steele, General Counsel/Chief Legal Officer