
CB63-2026 and CB64-2026 (Police Colonel Classification) – Letter on Behalf of Police Majors and Captains

From Robert Tucci <rtucci@zagfirm.com>

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 1 attachment (375 KB)

2026.10.05 - Letter to Council (FINAL).pdf;

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Dear Chairperson Jones and Members of the County Council:

On behalf of our clients, twelve current and retired Police Majors and Captains of the Howard County Police Department, please find attached our letter regarding CB63-2026 and CB64-2026 (Police Colonel Classification).

We respectfully request that the letter be made part of the legislative record for both bills and be treated as written testimony for the October 19, 2026, public hearing.

By copy of this email to the Personnel Board's staff, we also respectfully request that the letter be included in the Board's materials if CB63-2026 or CB64-2026 is referred to the Board. Please also notify us of any Board meeting at which the bills will be considered.

Thank you for your consideration.

Respectfully,

Robert W.T. Tucci

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October 5, 2026

Via Electronic Mail

The Honorable Opel Jones, Chairperson
and Members of the Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

Re: CB63-2026 and CB64-2026 (Police Colonel Classification)

Dear Chairperson and Members of the Howard County Council:

Our law firm represents twelve (12) current and retired Police Majors and Captains of the Howard County Police Department who are the plaintiffs in a pending Fair Labor Standards Act (FLSA) lawsuit, *Williams et al. v. Howard County, Maryland*, No. 8:25-cv-03027 (D. Md.). On November 5, 2025, forty-four (44) days after the County was served with that lawsuit, the Office of the Chief of Police, under then-Chief Gregory J. Der, announced the creation of a new sworn Police Colonel position and directed that all four Police Majors report to the Colonel.

The purpose of this correspondence is not to seek a response concerning, or to discuss the merits of, the pending litigation, but rather to highlight several areas of concern regarding CB63-2026 and CB64-2026, which have been pre-filed at the request of the County Executive. These council bills would formally add the Police Colonel position to the County's Pay Plan, Classification Plan, and County Code nearly a year after the position was implemented.

There are significant questions concerning the legislative process, timing, and practical effect of this proposed command restructuring that warrant clarification and careful consideration by the Council before the legislation proceeds.

On September 8, 2026, at the County Executive's request, CB54-2026 and CB55-2026 were rescinded before introduction. Those bills contained extensive changes to the County's Classification and Pay Plans, including the proposed establishment of several new executive classifications, one of which was the Police Colonel.

In a letter to the County Council dated September 8, 2026, the County Executive stated: “[T]o allow everyone to have meaningful input and a full understanding of the study and its impact, we will be requesting that the County Council not introduce this legislation and hand this work over to the incoming Administration and County Council to allow them the flexibility to make the final decisions on this significant update to the classification plan.”

The County Executive has now returned with standalone legislation seeking to establish the Police Colonel position shortly before that transition occurs. Given this history, we respectfully request that the County Council seek clarification as to why one of the new executive classifications included in the withdrawn legislation is now being advanced separately, and why enactment of this particular position is considered necessary before the incoming Administration and County Council take office.

We also believe the process required for revisions to the County’s Classification and Pay Plans warrants examination. Section 706(c) of the Howard County Charter provides that each proposed change to the Classification Plan shall be submitted to the Personnel Board for its approval and to the Council for legislative action. The County’s existing Classification Plan likewise provides that revisions are submitted by the County Executive to the Personnel Board for approval and then transmitted to the County Council for legislative action.

Based upon the materials presently available to us, we have not identified any documentation demonstrating that the Personnel Board has considered or approved the proposed Police Colonel classification. The Administration’s testimony accompanying the earlier, broader legislation (CB54-2026 and CB55-2026) stated that, “[b]efore final action by the County Council, the updates will be considered by the Personnel Board.” The testimony accompanying CB63-2026 and CB64-2026 contains no comparable statement. The Personnel Board’s webpage identifies review of changes to the County’s Classification and Pay Plans as one of its duties; as of this writing, the most recent meeting materials posted are from April 28, 2026, and no future meetings are listed.

The publicly posted agendas and minutes for the Personnel Board’s meetings held since the Colonel position was implemented, on November 12, 2025, January 22, 2026, and April 28, 2026, make no reference to a Police Colonel classification. (Minutes of the April 28, 2026 meeting have not yet been posted.) By contrast, during that same period the Administration sought the Board’s approval for comparatively modest changes, including amendments to three collective bargaining pay schedules, which the Office of Human Resources advised would be presented to the County Council “[w]ith the Personnel Board’s approval,” and the removal of a commercial driver’s license requirement for heavy vehicle operators in the Department of Fire and Rescue Services.

Accordingly, we respectfully request that the County Council confirm, before taking final action, whether the proposed Police Colonel classification has been submitted to and approved by the Personnel Board in accordance with Section 706 of the Charter. If such approval has occurred, we request that the Council obtain the supporting documentation and include it in the legislative record. If it has not, we respectfully submit that the Council should not act on CB63-2026 or CB64-2026 until that process is complete. To the extent the Council refers CB63-2026 and CB64-2026 to the Personnel Board, we support that referral and respectfully request that the Board's review occur at a properly noticed public meeting, including the Employee Speak-Out period that appears on the Board's agendas, and that the Board's action and supporting materials be made part of the legislative record before the Council takes final action.

The proposed legislation also has a substantive effect on the Police Department's existing rank structure and chain of command and warrants careful consideration. As drafted, CB64-2026 establishes the Police Colonel as the Department's "second-in-command" and places that position above the rank of Police Major within the Department's organizational structure.

Howard County Police Department general orders and organizational charts identify Police Majors as "Deputy Chiefs." Until March 2026, General Order ADM-17 provided that, in the unexpected absence of the Chief of Police, the Deputy Chief with the most time in grade would assume command of the Department. Effective March 9, 2026, more than six months before CB63-2026 and CB64-2026 were pre-filed, the Department issued a revised ADM-17 that lists Colonel as a sworn rank above Major (Deputy Chief), assigns the Colonel to "oversee and manage the Deputy Chiefs," and transfers command in the Chief's unexpected absence to the Colonel, with the senior Deputy Chief assuming command only if the Colonel is unavailable.

If approved as drafted, the legislation would place a new position, which the Administration's prior testimony described as "Police Colonel (Deputy Police Chief)," above the existing Police Majors, who are themselves designated as Deputy Chiefs. At a minimum, the legislation warrants clarification regarding the respective roles of these positions and the chain of command among them.

For these reasons, we believe the legislative record should clearly identify:

1. The operational need for the new Police Colonel position;
2. The role and responsibilities assigned to the Colonel;
3. How the Colonel's role relates to the existing rank of Police Major (Deputy Chief);

4. The effect of the proposed position on the existing rank structure and promotional opportunities; and
5. Why establishment of the position is necessary at this particular time.

These questions are particularly relevant given the Administration's recent decision to withdraw the broader classification legislation so that the incoming Administration and County Council could consider these issues.

Our purpose in raising these matters is to ensure that the County Council has a complete and accurate factual record concerning the history, required process, timing, and organizational consequences of the proposed restructuring before taking legislative action.

We therefore respectfully request that the County Council obtain and review the relevant Personnel Board records, supporting classification materials, and information concerning the operational basis and timing for the proposed Police Colonel classification, and include those materials in the legislative record, as part of its consideration of CB63-2026 and CB64-2026.

Thank you for your consideration of these issues.

Respectfully,



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- Gary W. Kuc, County Solicitor (via electronic mail)
- Erin B. Purdy, Senior Assistant County Solicitor (via electronic mail)
- Hyunjae Shin, Senior Assistant County Solicitor (via electronic mail)
- Howard County Personnel Board (c/o Gabriel Ross, Acting Executive Secretary, and Abre Valencia, Recording Secretary) (via electronic mail)