

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

KEYA TURNER

PLAINTIFF

v.

No. 3:15CV00093 JLH

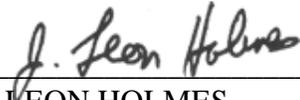
CITY OF WEST MEMPHIS

DEFENDANT

ORDER

The City of West Memphis has filed a motion for reconsideration of the Opinion and Order denying summary judgment issued earlier today. The City complains that the Court first had to determine who was the “department head” before determining who was the “supervisor in the chain of command,” and the City contends that the Court never addressed the first issue. The City maintains that Phillip Sorrell was the “department head” to whom the City’s harassment policy required Turner to report, whereas Turner maintains that L.T., as the Sanitation Superintendent, was the department head, which meant that Jackson was designated to receive Turner’s complaint as the “supervisor in the chain of command.” First, the City’s personnel manual fails to define who is the “department head” and who is the “supervisor in the chain of command.” *See* Document #25-4 at 73-94. Second, the personnel manual refers to the “department head” in providing that “[t]he immediate supervisor or department head will initiate disciplinary action.” Document #25-4 at 80. L.T. testified that he and Jackson are responsible for discipline within the sanitation department. Document #25-2 at 13-14. In the absence of a definition and in light of L.T.’s testimony, a jury reasonably could conclude that L.T., the Sanitation Superintendent, was Turner’s “department head” and that Jackson, the Sanitation Foreman, was the “supervisor in the chain of command.” The motion for reconsideration is DENIED. Document #33.

IT IS SO ORDERED this 29th day of August, 2016.

A handwritten signature in black ink, reading "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE