ACLJ
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for LAW & JUSTICE

DISTRICT OF COLUMBIA [redacted] TENNESSEE [redacted] VIRGINIA [redacted]

April 9, 2026

VIA EEOC Portal

U.S. Equal Employment Opportunity Commission
St. Louis District Office
[redacted]

Re: John T. Artz v. The Timken Company
Charge No. 560-2026-00201
Charging Party's Reply to Respondent's Position Statement

Dear EEOC Investigator:

Charging Party John T. Artz ("Mr. Artz" or "Charging Party"), by and through undersigned counsel at the American Center for Law & Justice ("ACLJ"), respectfully submits this Reply to the Position Statement ("Position Statement") filed by Respondent Timken SMO, LLC d/b/a Timken Belts ("Timken" or "Respondent") on February 27, 2026. Timken's Position Statement is a carefully constructed narrative designed to obscure the central, inescapable truth of this case: Timken supervisors directly and repeatedly pressured a Christian employee to hide his cross necklace and conceal his Bible from view—explicitly characterizing his faith as "non-inclusive," "unprofessional," and inappropriate for the workplace—and then terminated his employment **just three days after** reviewing with him our demand letter concerning religious discrimination and the violation of Mr. Artz's Title VII rights. Timken's proffered performance justifications do not withstand scrutiny. For the reasons set forth below, Charging Party respectfully requests that the Commission make a finding of reasonable cause and proceed accordingly.

I. INTRODUCTION AND OVERVIEW OF TIMKEN'S POSITION

Timken's Position Statement attempts to reframe this case entirely around alleged performance deficiencies, hoping the Commission will overlook the direct evidence of religious animus that gave rise to this charge. But the facts, including facts Timken itself acknowledges, tell a different story. Timken admits that multiple supervisors met with Mr. Artz beginning August 7, 2025, to discuss his Bible and cross necklace. Timken admits that on September 8, 2025, only three days before his termination, senior leadership communicated with Mr. Artz regarding his religious expression. And Timken admits he was terminated on September 11, 2025.

What Timken does not address is the substance of those meetings: supervisors told Mr. Artz that his cross necklace was unprofessional, that "people don't wear cross necklaces out in the business place," that being Christian is about "wearing it in your heart," that his faith made him "not inclusive," and that he was creating a "clique" by associating with other Christians at work. These are not neutral workplace guidance conversations. They are direct expressions of religious animus by supervisors involved in the decision to terminate him—and they were recorded by Mr. Artz pursuant to Missouri's one-party consent recording statute, Mo. Rev. Stat. §§ 542.402(2), .2(3) (2016). Those recordings and transcripts have been provided to the EEOC directly by Mr. Artz's counsel.[1] They constitute contemporaneous, direct evidence of the religious animus expressed by Timken supervisors and are not subject to the "he said/she said" characterization by Timken.

Timken's performance narrative is further undermined by the timeline: if Mr. Artz's performance was truly as deficient as Timken now claims, he would have been terminated in June 2025 after his written warning, or in August 2025 when his workload was allegedly reduced, or at any point before counsel's September 2, 2025, demand letter. Instead, Timken waited to act just nine days after receiving counsel's demand letter and three days after discussing those very claims with Mr. Artz directly. The pretextual basis for the termination is transparent.

II. DIRECT EVIDENCE OF RELIGIOUS DISCRIMINATION

A. Timken Supervisors Openly Expressed Religious Animus

This is not a case requiring an inference of discrimination from circumstantial evidence alone. Timken supervisors made direct, explicit statements targeting Mr. Artz's Christian faith. Beginning August 7, 2025, Mr. Artz was summoned to a series

[1] The provided transcripts of these recordings are provided as a supplement and have not been professionally or certified transcribed. The audio recordings themselves are the controlling evidence; in the event of any discrepancy between a transcript and the audio, the audio recording governs.

of meetings with Supervisor #1 (Danielle Harvey, HR Manager) and Supervisor #2 (Gus Psihountas, Springfield Plant Manager) in which he was told:

- His visible cross necklace was "unprofessional" and that "people don't wear [cross necklaces] out in the business place";
- Being Christian is about "wear[ing] it in your heart"—a direct theological instruction from his employer telling him how to practice his faith;
- He was questioned as to why he felt the need to wear a cross necklace as a sincere expression of faith;
- He was told to hide his cross necklace under his shirt and to conceal his Bible;
- His expression of faith made him "non-inclusive" and "unapproachable";
- When he asked Harvey to confirm that he was ordered not to wear his cross or leave his Bible out, she confirmed that "specifically about the work environment, that's what the guidance is from corporate";
- Harvey directed Mr. Artz to identify other leaders displaying religious items and facilitate their removal, actively enlisting him in the systematic suppression of Christian expression throughout the management team, and identified the cross of a nurse as "easy, low hanging fruit" to address first; and
- Mr. Artz was viewed as part of a "clique" because he associated with other known Christians at Timken.

These statements were made by supervisors directly involved in or reporting to those involved in the termination decision. Courts have held that "[f]or statements of discriminatory intent to constitute direct evidence of discrimination, they must be made by a person involved in the challenged decision." *Trotter v. Board of Trustees of Univ. of Alabama*, 91 F.3d 1449, 1453–54 (11th Cir. 1996). Those supervisors are the very ones making those derogatory statements here. Moreover, when the new President of Timken visited the plant, he stared at Mr. Artz's cross necklace and said he found Mr. Artz's Bible on his desk troubling. Mr. Artz saw the Timken President leave this discussion with him to go talk to Danielle Harvey and motion to his chest in correlation to where Mr. Artz's cross was hanging. It was after this meeting and this expression of religious hostility that the treatment of Mr. Artz began to change, with increasing hostility from his supervisors and being taken off of projects, meetings, and assignments.

The Eighth Circuit has recognized that an employer's instruction to remove religious material from view constitutes direct evidence of discrimination. *See Altman v. Minn. Dep't of Corr.*, 251 F.3d 1199, 1203 (8th Cir. 2001) (focusing on the fact that employees were disciplined for Bible reading but employees who engaged in nonreligious personal activity at the same time were not); *see also Dixon v. Hallmark Cos.*, 627 F.3d 849, 855 (11th Cir. 2010) (finding instruction to remove a cross from the wall because the employee was "too religious" was blatant evidence of discrimination).

Mr. Artz was not only told to remove a cross from around his neck—he was told to hide it under his shirt and to conceal his Bible, and was subjected to supervisory interrogation about why he felt the need to express his faith at all.

B. Timken's "Reaffirmation" on September 8 Does Not Cure the Discrimination

Timken places great weight on a September 8, 2025, meeting in which senior leadership allegedly "reaffirmed" to Mr. Artz that he could wear his cross and display his Bible. This argument fails for several reasons.

First, the "assurances" were conditioned. During the September 8 Meeting, Mr. Artz was told he could have a Bible visible only if he first assessed the comfort level of any visitor to his office. This is not a free exercise of religion—it is a permission slip contingent on managing others' reactions to his faith. In other words, the religious liberty violation expressly continued. Timken's ongoing policy remained that visible religious identity was impermissible if it might make someone uncomfortable.

Second, the meeting on September 8 was itself retaliatory in character. It was initiated by Timken's Employee Relations Manager only after receipt of counsel's September 2 demand letter. And that manager met with Mr. Artz directly despite repeated, express requests by Mr. Artz that Timken communicate with his legal counsel rather than with him personally. The recording confirms that Mr. Artz immediately advised Leftwich that counsel had instructed him not to discuss the matter, and asked that Leftwich contact the ACLJ instead. Leftwich declined, stating on the recording: "I don't think I'm under any legal obligation to speak with them directly at this point. This is just a letter. It's not an actual [] action." Timken's decision to dismiss the demand letter as a mere "letter" requiring no formal response, while simultaneously summoning Mr. Artz to address its contents directly, reflects an unwillingness to take Mr. Artz and his concerns seriously. Meeting directly with a represented employee in a matter in which the employer has notice of legal representation raises serious ethical and procedural concerns. The recording of that meeting demonstrates those legal concerns, Mr. Artz's repeated request that this meeting not be conducted without his counsel, and Timken's refusal to honor his request.

Third, when Mr. Artz resumed openly wearing his cross following that meeting, he witnessed immediate overt expressions of hostility and religious animus from supervisors Harvey and Richard Dauch. Three days later he was fired. The September 8 "reaffirmation" does not insulate Timken from liability—it is part of the retaliatory sequence.

Fourth, Timken's assertion that one of the termination decision-makers was the same individual who affirmed Mr. Artz's rights on September 8 does not help Timken—it confirms that the decision-maker was fully aware of the protected activity and the pending legal complaint when the termination decision was made three days later.

III. TIMKEN'S PROFFERED PERFORMANCE JUSTIFICATIONS ARE UNSUPPORTED AND PRETEXTUAL

Timken's performance narrative fails on two independent grounds. First, the timing of the termination decision, considered in relation to Timken's receipt of counsel's demand letter and its subsequent direct confrontation of Mr. Artz, is itself powerful evidence that the stated performance rationale is pretextual. An employer that sits on alleged performance deficiencies for months and acts only after receiving formal legal notice of a discrimination claim cannot credibly maintain that performance drove the decision. Second, and independently, each of the specific performance allegations Timken has advanced is factually unsupported or affirmatively contradicted by the record.

A. The Close Proximity Between Mr. Artz's Exercise of His Protected Rights and His Termination is Substantial Evidence of Retaliation

The performance issues alleged by Timken as justification for termination existed—if they existed at all—for months before Mr. Artz's termination without resulting in termination. The decision to terminate was made only after Timken received legal notice of a religious discrimination claim and then directly confronted Mr. Artz about it. The temporal proximity between our demand letter (September 2, 2025), Timken's communication with Mr. Artz about the demand letter (September 8, 2025), and Mr. Artz's termination (September 11, 2025) establish a clear causal connection. Courts routinely find that such close temporal proximity creates a strong inference of retaliation. *See Clark County Sch. Dist. v. Breeden*, 532 U.S. 268, 273 (2001).

A pattern of adverse actions that occur just after protected activity can supply the extra quantum of evidence to satisfy the causation requirement. *See Bassett v. City of Minneapolis*, 211 F.3d 1097, 1105-06 (8th Cir. 2000) (extensive pattern of protected activity followed by disciplinary measures established causation); *Hudson v. Norris*, 227 F.3d 1047, 1051 (8th Cir. 2000) (large number of adverse actions within four months of protected activity, plus evidence of pretext, established causation). But even more so, the Eighth Circuit has held that in certain circumstances, "the timing of one incident of adverse employment action following protected activity sufficed to establish causal connection." *Smith v. Allen Health Sys.*, 302 F.3d 827, 832 (8th Cir. 2002); *O'Bryan v. KTIV Television*, 64 F.3d 1188, 1193–94 (8th Cir. 1995) (three months between filing administrative complaints and firing established causal

connection); *Foster v. Time Warner Entm't Co.*, 250 F.3d 1189, 1196 (8th Cir. 2001) ("Foster established a temporal connection between her requests for accommodating Terry's disability and her termination, permitting an inference of retaliation."); *see also Sprenger v. Home Loan Bank Bd.*, 253 F.3d 1106, 1113–14 (8th Cir. 2001) (A proximity of a "matter of weeks" between disclosure of a potentially disabling condition and adverse employment action was sufficient to complete a prima facie case of discrimination.); *Donathan v. Oakley Grain, Inc.*, 861 F.3d 735, 741 (8th Cir. 2017) (holding that temporal proximity was strong evidence of causation, in light of all the evidence, where the termination occurred eight days after protected activity); *see also Jalil v. Avdel Corporation*, 873 F.2d 701 (3d Cir. 1989) (reversing the grant of summary judgment in favor of the defendant because the plaintiff had established causation for the purposes of his prima facie case merely by showing that his discharge occurred only two days after his employer had received notice of Jalil's EEOC claim and emphasizing, "He demonstrated the causal link between the two by the circumstance that the discharge followed rapidly, only two days later, upon Avdel's receipt of notice of Jalil's EEOC claim."). Here the temporal proximity between the protected activity and the termination is sufficiently close so as to create such an inference of retaliation.

The September 2, 2025, demand letter, sent by undersigned counsel at the ACLJ, placed Timken on formal legal notice that its supervisors had engaged in unlawful religious discrimination and a hostile work environment in violation of Title VII of the Civil Rights Act of 1964. The letter specifically identified the supervisors' conduct—instructing Mr. Artz to hide his cross necklace and conceal his Bible, characterizing his Christian faith as "non-inclusive" and "unprofessional," and directing him to suppress his religious expression—as direct violations of federal law. The letter demanded that Timken immediately cease and remedy the discrimination, and expressly requested that all future communications be directed to counsel rather than to Mr. Artz personally. Timken never responded to the demand letter. It did not contact counsel. It did not acknowledge Mr. Artz's rights or propose any remedial action. Instead, six days after receiving the letter, Timken's Employee Relations Manager bypassed counsel entirely and sought out Mr. Artz directly to confront him about the legal claims—in direct contravention of his express request. Three days after that meeting, Timken fired him. That timeframe presents substantial evidence of retaliation.

B. Timken's Proffered Justifications Cannot Withstand Scrutiny

1. <u>Termination of employee</u>

Timken's most dramatic allegation—that Mr. Artz failed to act on a report of sexually explicit social media videos made by a female subordinate—is the linchpin of its pretext argument and deserves close scrutiny. Timken claims Mr. Artz did not act swiftly enough to terminate a female subordinate. However, Mr. Artz took

appropriate action at the appropriate time.

Several facts are critical here. First and most critically, Timken's sudden and intense scrutiny of Mr. Artz's handling of this matter was triggered specifically by the September 8 confrontation over the ACLJ demand letter. Timken's investigation into Mr. Artz's handling of the video situation was initiated the day after that meeting. An employer who discovers a pretext for termination only after learning of protected activity cannot rely on that pretext as an independent, legitimate basis for termination.

Second, Timken significantly misstates the facts of that incident. Mr. Artz's conduct occurred in full compliance with Timken policy—as always. In fact, on two prior occasions, Mr. Artz handled complaints of sexual harassment or misconduct without any complaint from Timken management. In April 2025, he investigated a sexual harassment case and determined the harasser was guilty, and accordingly terminated the individual. In July 2025, he investigated another complaint of harassment and found no wrongdoing.

The issue now raised by Timken as justification for his termination came to Mr. Artz's attention on or about August 25, 2025. Specifically, two individuals, Steve West (Operations Manager for Timken) and Shannon Rippe (Value Stream Manager for Timken), both told Mr. Artz that they had been on a female employee's site containing inappropriate images but that they did not see anything work related. Mr. Artz informed them that he could not police the personal sites of employees unless they contained something work related or created videos or made posts while at work. No complaint was filed and no formal action was taken at the time because it would have been unjustified. Mr. Artz had a brief conversation with this employee, warning her that if her behavior violated policy by interfering with work he would have to address it, but otherwise no action was necessary. Mr. Artz is not aware of any complaints being made about his conduct between August 25, 2025, and September 9, 2025. Then, on or about September 9, 2025, new information was brought to Mr. Artz's attention justifying action against the female employee. Grant Ives (Safety Analyst for Timken) brought Mr. Artz a picture of the contract employee containing the image of a Timken Calendar in the photo. Per Timken policy, that is terms for immediate discipline, and Mr. Artz terminated the female employee immediately. In other words, the moment Mr. Artz received notice of conduct in violation of Timken policy, he took action to address the violations.

2. <u>Travel Expenses</u>

Moreover, Timken's reliance on the June 4, 2025 written warning—which arose from a business travel expense dispute—as a basis for the September 11 termination is undermined by the evidence attached hereto showing that Timken's assertion is false. Mr. Artz requested and received approval from Danielle Harvey,

his manager, to attend an HR conference and to book a more expensive hotel room because the hotel connected with the conference was fully booked. Mr. Artz also informed Ms. Harvey that he was leaving the conference in Alabama and traveling to Florida to vacation with his family immediately following the conference and that his family would be with him for the conference.[2] Danielle Harvey also agreed and approved vacation time following the conference—a fact that can be confirmed through Timken's Microsoft Outlook Calendar. Further, on days while attending the conference, Mr. Artz adhered to implemented per diem expenses for food which was as follows: $7 for breakfast, $20 for lunch and $40 for dinner. Mr. Artz submitted his expense report at the end of May for the conference, along with other items relating to business and included all appropriate receipts.

The claim that Mr. Artz purchased a meal for another employee's spouse is categorically false. Rather, this person agreed to pick up a meal for Mr. Artz and so her name was placed on an order, but the meal charged to Timken was for Mr. Artz alone.

Finally, while Timken issued a warning over the disputed expenses, it continued his employment and took no further disciplinary action for over three months. An employer who issues a written warning, continues the employee's employment, and later terminates him only following protected activity cannot present the earlier misconduct as the true cause of termination without a compelling, contemporaneous explanation. None is offered here.

3. Delay of wage increase project

As to the pay increase project, that project was delayed not due to any action on Mr. Artz's part, but due to a co-worker's surgery resulting in the absence of that employee on the project which prevented completion.

IV. CHARGING PARTY ESTABLISHES PRIMA FACIE CLAIMS OF RELIGIOUS DISCRIMINATION AND RETALIATION

A. Religious Discrimination

As Timken acknowledges, a prima facie case of religious discrimination under Title VII requires: (1) membership in a protected class; (2) qualification for the job; (3) an adverse employment action; and (4) circumstances giving rise to an inference of discrimination. *Bearden v. Int'l Paper Co.*, 529 F.3d 828, 831 (8th Cir. 2008). All

[2] At no point prior to the booking was Mr. Artz told that it would be impermissible for a family member to stay in the already booked hotel room. On the contrary, Mr. Artz told Danielle Harvey explicitly, on two separate calls, that he would be taking his family with him and that he would be requesting vacation time immediately following the conference since they would be so close to Florida.

four elements are met.

Mr. Artz is a Christian (protected class), was qualified for and served as HR Manager for over a year (qualification), was terminated (adverse action), and was subjected to direct anti-religious statements by supervisors involved in the termination decision (inference of discrimination). Beyond inference, this case involves direct evidence of discrimination—a higher order of proof that, if credited, eliminates the burden-shifting framework altogether. *See Trans World Airlines, Inc. v. Thurston*, 469 U.S. 111, 121 (1985).

Timken argues that because it "permitted" Mr. Artz to wear his cross and display his Bible, no discrimination occurred. But the question is not merely whether Mr. Artz was ultimately allowed to partially exercise his faith; it is whether he was subjected to materially adverse treatment because of that faith. He was repeatedly summoned to meetings, pressured to conceal his religious expression, told his faith was "unprofessional" and "non-inclusive," and fired three days after his employer reaffirmed its purported tolerance of his religious expression, while still putting limitations upon it and requiring him to avoid it if his religion made others uncomfortable. Title VII prohibits the entire course of discriminatory conduct, not just termination in isolation.

B. Retaliation

To establish a prima facie retaliation claim, Mr. Artz must show: (1) protected activity; (2) adverse employment action; and (3) causal connection. *Warren v. Kemp*, 79 F.4th 967, 973 (8th Cir. 2023). All three elements are clearly met.

Protected Activity: Mr. Artz opposed religious discrimination by retaining legal counsel and authorizing the filing of a demand letter on September 2, 2025. Opposition to a practice that the Charging Party reasonably believed constituted religious discrimination is protected activity under Title VII's anti-retaliation provision, 42 U.S.C. § 2000e-3(a).

Adverse Employment Action: Termination is the paradigmatic adverse employment action.

Causal Connection: The temporal proximity is most compelling here: Mr. Artz was terminated exactly three days after his employer discussed the demand letter with him, and nine days after the letter was sent. The Eighth Circuit has expressly held that close temporal proximity is sufficient to establish causation for a prima facie case. *Smith v. Allen Health Sys.*, 302 F.3d 827, 832 (8th Cir. 2002). Three-day proximity is among the shortest intervals courts have encountered, and it carries significant inferential weight.

V. CONCLUSION

The core of this case is simple. Timken supervisors told a Christian employee that his faith was "unprofessional," "non-inclusive," and unwelcome in the workplace. They instructed him to hide his cross and conceal his Bible. When he sought legal protection for his federally protected rights, Timken terminated his employment three days later. The recordings, the timeline, and Timken's own admissions establish both discrimination and retaliation.

Timken's performance narrative is a post-hoc justification that crumbles under scrutiny: the same alleged deficiencies existed for months without resulting in termination, and were only deemed terminable after the demand letter arrived.

Respectfully submitted,

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