

Covid-19 whistleblower case kept alive by New Jersey attorneys

First known coronavirus court decision in New Jersey upholding a whistleblower claim against an employer

Morris Township, Dec 8, 2020 ([Issuewire.com](https://www.issuewire.com)) - A senior executive at an apparel company lost his job in March after he insisted that the business alert employees of a worker diagnosed with Covid-19.

Marc Loeb, former Chief Operating Officer at apparel manufacturer [Vantage Custom Classics Inc.](#), wanted to notify factory workers who had contact with the infected employee so they could take the necessary precautions. Instead, Vantage CEO Ira Neaman told him “today is your last day.”

“It was part of Loeb’s job to take care of the workers’ safety and he was pushing and pushing for the company to be transparent,” said Glen D. Savits, a partner at the law firm [Green Savits LLC](#). “Neaman resisted my client and frustrated his efforts every step of the way until he ultimately fired him.”

Loeb said that Vantage feared that notifying staff about the coronavirus incident would cause employees to leave work. Vantage’s motion argued that Loeb could not have stated a claim because in March there were no clear rules or regulations addressing Covid-19.

Green Savits LLC recently [defeated a motion](#) to dismiss the case of Loeb v. Vantage Custom Classics. The complaint filed by Savits and his partner Laura LoGiudice claims that Loeb was fired in retaliation for opposing the company’s decision not to inform employees, which is a violation of the New Jersey Conscientious Employee Protection Act.

The court issued an opinion stating that Loeb reasonably believed Vantage was violating “a clear mandate of public policy” and had a valid claim under CEPA.

“This may be the first written opinion of a court in New Jersey upholding a claim based on CEPA due to complaints involving failure to protect employees from Covid-19,” Savits said. “What the judge said is common sense. How can you not think it’s a clear mandate of public policy to inform your employees when they have come in contact with a highly contagious and deadly disease?”

Vantage, with more than 100 employees, sells clothing that promote the names and logos of corporations, golf courses, resorts and colleges. Loeb was responsible for overseeing the operations at each of Vantage’s manufacturing plants located in New Jersey, Missouri and California.

In March, Loeb also recommended that Vantage allow office employees to work from home to reduce exposure to the disease. Neaman eventually allowed staff to work from home three days a week but to discourage them from doing so, he ordered that they would only get paid for four hours on those days.

“That was another thing that really angered me,” said Savits. “It is a violation of wage and hour laws not to pay people for the time they put in. Instead, Vantage and its owner Neaman were sending the message that you better come to work regardless of the circumstances or you’re not going to get paid.”

Green Savits is now waiting for Vantage to file an Answer to Loeb’s Complaint. A discovery phase will take place before the case goes to trial.

Green Savits LLC, a law firm located in Florham Park, N.J., specializes in representing employees in discrimination and whistle blowing matters. Savits said this case and the court's decision should help workers feel more protected.

"I hope this case offers security to members of the workforce and that they will speak out if they have a similar experience at their workplace," he said.

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