
OPEN SESSION

HONORABLE SERVICE

Vargas, Alfred – South Woods Prison – The Board considered the circumstances surrounding Alfred Vargas' termination from public employment as it relates to honorable service in accordance with N.J.S.A. 43:1-3. Upon a determination of the honorable service issue, the Board also considered whether he is entitled to Service retirement benefits. N.J.S.A. 43:1-3 establishes 11 factors for which the Board is to consider and balance in view of the goals of the pension statutes when determining whether forfeiture or partial forfeiture is appropriate, taking account of the goals to be achieved under the pension laws. These factors are:

1. The member's length of service;	22 years 10 months
2. The basis of retirement;	Service Retirement
3. The extent to which the member's pension has vested;	The member was vested with over 10 years' service credit.
4. The duties of the particular member;	Senior Correction Officer
5. The member's public employment history and record covered under the retirement system;	22 years 10 months
6. Any other public employment;	None Noted

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HONORABLE SERVICE – (continued)

Vargas, Alfred – (continued)

<p>7. The nature of the misconduct or crime, including the gravity or substantiality of the offense, whether it was a single or multiple offense and whether it was continuing or isolated;</p>	<p>Criminal Charges:</p> <p>1 Count 3rd degree <u>N.J.S.A. 2C:14-3A</u> – Aggravated criminal sexual contact.</p> <p>2 Count 2nd degree <u>N.J.S.A. 2C:24-4A</u> – Endangering the welfare of a child he had legal duty over.</p> <p>3 Count 4th degree <u>N.J.S.A. 2VC:14-3B</u> – Criminal sexual contact upon the victim.</p> <p>4 Count 3rd degree <u>N.J.S.A. 2C:24-4A</u> – Endangering the welfare of a child he had legal duty over.</p> <p>Administrative Charge:</p> <p>Due to the criminal charges served by Cumberland County Superior Court of New Jersey, Mr. Vargas was served with a Preliminary Notice of Disciplinary Action (PNDA) on December 19, 2014, charging him with:</p> <p><u>N.J.A.C. 4A:2-2.3 (A-6)</u> - Conduct unbecoming a Public Employee.</p> <p><u>N.J.A.C. 4A:2-2.3 (A-11)</u> - Other sufficient cause</p> <p>1. HRB 84-17 as amended, C-11 Conduct unbecoming an employee.</p> <p>2. HRB 84-17 as amended, E-1 Violation of a rule, regulation, policy, procedure, order or administrative decision.</p>
<p>8. The relationship between the misconduct and the member's public duties;</p>	<p>The relationship is indirect.</p>
<p>9. The quality of moral turpitude or the degree of guilt or culpability, including the member's motives and reasons, personal gain and similar considerations;</p>	<p>The Board finds a high degree of moral turpitude and guilt.</p>

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HONORABLE SERVICE – (continued)

Vargas, Alfred – (continued)

<p>10. The availability and adequacy of other penal sanctions; and</p>	<p>Criminal: 1 Count 3rd degree <u>N.J.S.A. 2C:13-2A</u> Criminal Restraint-Risk of Serious Bodily Injury Mr. Vargas was sentenced to probation for 1 year, with a condition that he must undergo a psycho-sexual evaluation. Mr. Vargas has to pay over \$1,720 in fees and fines.</p> <p>Administrative: On December 31, 2013 Mr. Vargas was issued a Final Notice of Disciplinary Action suspending him without pay effective December 21, 2013. Mr. Vargas was ordered to forfeit public office.</p>
<p>11. Other personal circumstances relating to the member which bear upon the justness of forfeiture.</p>	<p>Mr. Vargas was caused to register as a sexual offender under Megan's Law; and it is noted that he was a police officer who is sworn to uphold the law 24/7.</p>

Mr. Vargas was employed as a Senior Correction Officer with the New Jersey Department of Corrections. On December 18, 2013, he was arrested and charged with offenses related to Criminal Sexual Contact and Endangering the Welfare of a Child. On December 19, 2013, Mr. Vargas was served with a Preliminary Notice of Disciplinary Action charging him with Conduct Unbecoming a Public Employee and Other Sufficient cause. He was suspended without pay on December 21, 2013 and his employer sought his removal. Mr. Vargas pled guilty to an amended Count 1, Criminal Restraint - Risk of Serious Bodily Injury of a four count indictment. The record indicates that from about September 1, 2010 to approximately November 30, 2010 Mr. Vargas did unlawfully restrain a minor who was between 13 but less than 16 years of old. Counts 2, 3 and 4 were dismissed. The State filed a civil action requesting the forfeiture of public office and an order of forfeiture was granted. As a consequence, Mr. Vargas' was terminated from his position of Senior Correction Officer on February 15, 2015. Subsequently, he filed an Application for Retirement Allowance, requested a Service retirement effective May 1, 2013 based upon a total of 22 years and 10 months of credited service. The Board determined that his crime reflected a high degree of moral turpitude and although the Board found that his criminal activity was indirectly related to his position as a Senior Corrections Officer, as a law enforcement officer he is expected to execute sound judgment and obey the laws of New Jersey at all times, both on and off-duty. Also the Board noted that Mr. Vargas is required to comply with Megans Law. Based upon the serious nature of his crime and the totality of the record, the Board voted to impose a partial forfeiture of Mr. Vargas' service and salary from the date of the first incident, September 1, 2010, forward to the end of employment on December 27, 2013. This service is deemed dishonorable and therefore not creditable for purposes of qualification or calculation of pension benefits. Due to the partial forfeiture, Mr. Vargas no longer qualifies for a Service retirement. However, Mr. Vargas now qualifies for Deferred retirement benefits, payable when he attains 55 years of age. (Motion by Trustee Middlesworth seconded by Trustee Bennett; Vote 7-2; Trustees Barrett, Loccke nae)