

DECISION

This case arose as a result of Unfair Labor Practice Complaint filed with the Board on November 19, 1980, as amended on December 31, 1980, by Morris A. Smith, III, and Michael E. Haywood, inmates at the District of Columbia Jail and the Lorton Reformatory Complex, respectively, at the time of the violations alleged in the Complaint. The Complaint alleged that the Respondent, American Federation of Government Employees ("AFGE") and certain named individuals violated Sections 1704 (b)(4), (5) and 1705 of the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA"), D.C. Law 2-139, by participating in, or supporting a strike at the Lorton Complex and the Central Detention Facility on September 3, 1980.

Respondent, AFGE, answered the Complaint on December 18, 1980 stating that: 1) the Complainants have no standing to bring an Unfair Labor Practice Complaint and; 2) the Union had specifically disavowed any support of a work action by a letter dated September 2, 1980, asking all correctional officers to be on duty as scheduled. The named individuals did not file answers to the Complaint.

Section 201 of the CMPA states:

"Unless specifically exempted from certain provisions this act shall apply to all employees of the District of Columbia Government..." [Emphasis Added]

Section 301(g) of the CMPA states:

"The term 'employee' means, except when specifically modified in this Act, an individual who performs a function of the District Government and who receives compensation for the performance of such services."

At the time of the alleged job action, neither Complainant performed work for or received compensation from the District Government and, accordingly, was not an employee within the meaning of the CMPA.

It is determined, therefore, that the Complainants lack standing to file this Complaint.

ORDER

This Complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
April 17, 1981