

§ 102.119

such statement shall be preserved by the general counsel, and, in the event the respondent files exceptions with the Board based upon such withholding, shall be made available to the Board for the purpose of determining the correctness of the ruling of the administrative law judge. If the general counsel elects not to comply with an order of the administrative law judge directing delivery to the respondent of any such statement, or such portion thereof as the administrative law judge may direct, the administrative law judge shall strike from the record the testimony of the witness.

(c) The provisions of paragraph (b) of this section shall also apply after any witness has testified in any post-election hearing pursuant to §102.69(d) and any party has moved for the production of any statement (as herein-after defined) of such witness in possession of any agent of the Board which relates to the subject matter as to which the witness has testified. The authority exercised by the administrative law judge under paragraph (b) of this section shall be exercised by the hearing officer presiding.

(d) The term *statement* as used in paragraphs (b) and (c) of this section means:

(1) A written statement made by said witness and signed or otherwise adopted or approved by him; or

(2) A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by said witness to an agent of the party obligated to produce the statement and recorded contemporaneously with the making of such oral statement.

[33 FR 9819, July 9, 1968, as amended at 35 FR 10658, July 1, 1970; 40 FR 7291, Feb. 19, 1975; 40 FR 50662, Oct. 30, 1975; 52 FR 27990, July 27, 1987]

29 CFR Ch. I (7-1-03 Edition)

Subpart L—Post-employment Restrictions on Activities by Former Officers and Employees

§ 102.119 Post-employee restrictions on activities by former Officers and employees.

Former officers and employees of the Agency who were attached to any of its regional offices or the Washington staff are subject to the applicable post-employment restrictions imposed by 18 U.S.C. 207. Guidance concerning those restrictions may be obtained from the Designated Agency Ethics Officer and any applicable regulations issued by the Office of Government Ethics.

[62 FR 58907, Oct. 31, 1997]

Subpart M—Construction of Rules

§ 102.121 Rules to be liberally construed.

The rules and regulations in this part shall be liberally construed to effectuate the purposes and provisions of the act.

Subpart N—Enforcement of Rights, Privileges, and Immunities Granted or Guaranteed Under Section 222(f), Communications Act of 1934, as Amended, to Employees of Merged Telegraph Carriers

§ 102.122 Enforcement.

All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222(f) of the Communications Act of 1934, as amended, shall be governed by the provisions of subparts A, B, I, J, K, and M of this part, insofar as applicable, except that reference in subpart B of this part to “unfair labor practices” or “unfair labor practices affecting commerce” shall for the purposes of this article mean the denial of any