

January 27, 2026

Mr. Steve Lynch
Office of the New York State Comptroller
Division of State Government Accountability
110 State Street
Albany, NY 12236

Dear Mr. Lynch,

The New York State Department of Labor (NYSDOL) has reviewed the Office of the State Comptroller's (Comptroller) Audit Report 2023-S-33 titled "*Department of Labor's Oversight of Registered Apprenticeship Programs*", for the period April 1, 2019, through August 31, 2024. The report contained ten recommendations and NYSDOL's response is as follows:

Recommendation #1:

Reduce the time to approve apprenticeship Program applications.

NYSDOL 180-day Response:

Currently, the new Program application review process can take between 45 days to several months. This timeframe includes the required 30-day comment period. Entities applying for Programs in a new trade or occupation, with applicant filing errors, or with issues identified through a due diligence review can cause significant delays. To reduce these delays, NYSDOL has established an Office of Special Initiatives within the Office of Workforce Development. This team is dedicated to assisting new businesses, particularly in new and emerging industries, with understanding the benefits and requirements of Registered Apprenticeship (RA) and the application process. Additionally, NYSDOL has been working on the development and implementation of a new, modernized Microsoft Dynamics-based Registered Apprenticeship system (System). This System includes a secure portal where entities interested in becoming Sponsors can create an online, password-protected NY.gov account. The modernized System allows both existing Sponsors and new entities to submit information required for new Program application(s) digitally, including any necessary supporting documentation. NYSDOL staff are available to provide technical assistance and communicate any concerns during the new Program application process. The System will notify Sponsors about requests for information and their application status. This will streamline the application submission and review process. The assistance of the team of Apprenticeship Navigators through the Office of Special Initiatives, and the implementation of the new modernized System will reduce the time it takes to approve apprenticeship Program applications.

Recommendation #2:

Develop and communicate guidance that addresses how to document resolution of – or inability to resolve – issues that arise in due diligence reviews.

NYSDOL 180-day Response:

If an issue is revealed through a due diligence review, it is the process of NYSDOL's Apprenticeship Office to email the appropriate division to determine the validity of the issue. This process is outlined within NYSDOL's Due Diligence Application User Manual. If the issue is determined to be valid, NYSDOL will notify the applicant so appropriate action can be taken to resolve the issue.

NYSDOL notifies the applicant of any issue(s) and provides them with the contact information for the appropriate division(s) so they may resolve the issue(s). NYSDOL then verifies that appropriate action has been taken through subsequent due diligence reviews, and by following up with the appropriate division for confirmation of resolution. The NYSDOL procedure for assessing the impact of a due diligence issue is based on specific indicators, which are outlined in an internal document.

In response to this recommendation, NYSDOL has developed internal written guidance that clearly defines our current process. It includes how to document resolution of – or inability to resolve - issues that arise in due diligence reviews. This guidance is in draft format and once implemented, will be communicated via email to all appropriate Apprenticeship staff.

Recommendation #3:

Implement a method to:

- improve assurance that Sponsors and Signatories that apply for ESATC are eligible to do so; and
- identify unique ESATC Signatories in the database.

NYSDOL 180-day Response:

NYSDOL's Apprenticeship Office maintains databases of all RA Programs and approved Signatory employers. These databases are used to verify eligibility for applicants for the Empire State Apprenticeship Tax Credit (ESATC) Program. If it is determined that an entity is not an approved Sponsor or Signatory, they would be ineligible and would not receive the tax credit.

The Apprenticeship Office is reviewing the documented procedures for reviewing and approving Signatories to ensure the Signatory database is up to date. The procedures are in the process of being updated to include instructions on how Signatories are approved and entered in the new System. This will ensure the eligibility for Signatories who apply for the tax credit can be easily and accurately verified. This includes verifying the program and trade/occupation, address, sponsor name, and sponsor code the Signatory employer lists on the ESATC application matches what is listed in the databases. Additionally, when data was migrated from the legacy database to the new System, data cleanup measures were taken to ensure accurate and clean data.

This will improve assurance that Sponsors and Signatories that apply for the ESATC are eligible and help identify unique Signatories in the database.

Recommendation #4:

Incorporate regular communication about new trades and the ESATC program into ATR monitoring practices and document relevant results to inform decision-making.

NYSDOL 180-day Response:

Apprenticeship Training Representatives (ATRs) routinely speak with existing Sponsors about possibilities for growing their programs including new trades and funding opportunities such as the ESATC Program. NYSDOL plans to incorporate questions on the Monitoring Report regarding potential new trades the Sponsor may be interested in, as well as ensuring the ATR is informing them of available funding opportunities. These questions and the responses will be added to the Monitoring Report which will ensure regular communication around new trades and funding opportunities, including the ESATC, are occurring during monitoring and documented accordingly. These additional items will be included as NYSDOL works through the process updating the Monitoring Report. A workgroup has been formed comprised of both Central and Field staff and is meeting regularly to work through updates to the Monitoring Report including those related to new trade interest and available funding opportunities.

Recommendation #5:

Improve practices for conducting monitoring visits and completing Monitoring Reports, which may include, but not be limited to:

- Adhering to the established frequency for monitoring visits for both probationary and non-probationary Programs;
- Capturing additional information on monitoring visits including the final probationary visit date; and
- Obtaining and recording support for Monitoring Report questions as necessary, especially support used to verify apprentice to journeyworker ratios.

NYSDOL 180-day Response:

As indicated in the RA Program Technical Advisory #23-01, NYSDOL ATRs monitor programs in good standing once per year. Visits will generally alternate between in-person and virtual. Visits may be conducted in-person more often if deemed necessary. NYSDOL ATRs will monitor Programs that are on probation twice per year. Visits may alternate between in-person and virtual. Newly approved Programs will have their first monitoring visit conducted within the first six months of the date of Program approval.

It is anticipated that the new System will include notifications and/or tasks that will enable field staff to easily see Programs that are due for monitoring, are on probation and/or require follow-up. The new System will also allow management and supervisory staff to analyze the status of monitoring and Program probationary status statewide, regionally, and by Program. It will allow for clear and concise follow-up with staff and Program Sponsors to ensure monitoring policies, including those related to probationary programs, are being followed appropriately and that Sponsors are complying with regulations. While there is not a specified timeframe for the monitoring functionality to be added, the System is being rolled out using a phased approach and Program monitoring is one of the next prioritized items to begin developing.

NYSDOL has already begun taking steps to ensure monitoring visits are conducted timely for all Programs. RA Program Technical Advisory #23-01 provides clear guidance to staff, sponsors and stakeholders on the monitoring process for RA programs. In October 2023, NYSDOL created and filled a new Field Operations Manager position. Adding this position has increased oversight of field staff and their responsibilities and roles, especially those pertaining to Program monitoring. Weekly meetings are held virtually with the Field Operations Manager and the Field Supervisors. Quarterly, the Field Operations Manager meets in person with RA staff in each field office throughout New York State. Understanding the importance of timely monitoring, the Field Operations Manager worked to develop performance standards to be included in the performance programs of all ATRs and Supervising ATRs. The performance standards contain measurable criteria which establishes a consistent way to manage field staff accountability. NYSDOL is confident the increased oversight of Program monitoring and the introduction of performance standards related to program monitoring as part of an employee's performance evaluation will improve timeliness and documentation of monitoring.

The Monitoring Report captures the number of active apprentices, the number of active journeyworkers and the required ratio of apprentices to journeyworkers for the Program being monitored. The Monitoring Report also captures whether the program is in compliance with the required overall apprentice to journeyworker ratio, which is determined by comparing the number of active apprentices and active journeyworkers. As indicated in the RA Program Technical Advisory #23-01, in preparation for each monitoring visit, the ATR will provide a copy of the Program Roster Report, which lists all active apprentices, to the Sponsor in advance of or during the visit so that the Sponsor can compare the information with their records to ensure the roster is correct and up to date. If there is a discrepancy with the established ratio discovered during monitoring, the ATR will work with the Sponsor to address this issue and come into compliance. If an apprentice discloses a concern related to the ratio on the jobsite, the ATR will solicit more detailed information from the apprentice(s), discuss the matter with the Sponsor, request further documentation, issue a Finding and require a Corrective Action Plan (CAP) if warranted.

Recommendation #6:

Improve methods of capturing relevant information about findings and observations, including reason, timeliness, status, and resolution of CAPs, to facilitate analysis, and follow up with Programs as needed.

NYSDOL 180-day Response:

The new System currently tracks CAP information including reason, type, status, due date, received date, and approved date. It is anticipated that further functionality will be added including identifying when CAPs are required due to findings identified in Program monitoring visits, as well as the current status, management, and resolution of CAPs. Further, it is anticipated that observations, which may lead to a finding if unresolved, will also be catalogued in the System. Program monitoring functionality, including the identification and tracking of CAPs, is included in the list of priorities identified for the System.

Beyond benefiting staff, these features will also benefit Program Sponsors by providing prompts and reminders for tasks required of the Sponsors, such as completion and submission of CAPs. The new System will also make it easier for staff to track items needing follow-up, and will display follow-up items, and other notifications. The new System and increased oversight of the

monitoring process will help to ensure observations, findings, and CAPs are approved, managed, and resolved in a timely manner.

These improved methods of capturing relevant information about findings and observations, including reason, timeliness, status, and resolution of CAPs, will help to facilitate analysis, and allow for follow up with Programs as needed.

Recommendation #7:

Enhance practices to improve apprenticeship data collection and reliability, which could include collecting estimated completion dates and reasons for deregistration and improving the accuracy of apprentice status data (e.g., active, exited).

NYSDOL 180-day Response:

In addition to an agency-facing portal that will improve functionality and reporting capabilities for NYSDOL, the new System includes both Sponsor and apprentice-facing portals. This allows Sponsors and apprentices direct access to pertinent apprenticeship-related information in real time. This will improve data collection by making it faster and easier for both to provide necessary information. For example, if an apprentice's enrollment status changes, the Sponsor will have the ability to update the apprentice record in the System by submitting the updated record for review instantly, rather than submitting a paper form and waiting for review and processing. Once updates are submitted by the Sponsor on the System, NYSDOL staff can review and analyze this data easily and more efficiently.

The System has a required drop-down field to capture the reason a Program deregisters. This allows NYSDOL to identify reasons Programs are deregistering to determine if there are areas that could be improved upon. Anticipated functionality for future phases of the System may include an enhancement to include automatic notification to Sponsors when they are approaching their 12th month without an apprentice, or the end of inactive status period. These notifications may also require Sponsors to submit a justification for requesting inactive status, deregistration, or to make further requests.

Another item that has been included in the System is estimated completion dates for apprentices. This allows NYSDOL staff to access that information during monitoring and have informed discussions with the Sponsor and the apprentice regarding their estimated completion date. It will also allow NYSDOL staff to identify and address any issues or barriers to progressing through the Program in a timely manner.

Implementing and enhancing these practices will improve apprenticeship data collection and reliability and keep NYSDOL staff better informed on apprentice and Program status.

Recommendation #8:

Develop and implement a mechanism to:

- Identify Programs with low completion rates;
- Better align procedures for issuing Findings that relate to completion rates with Program duration; and
- Identify Sponsors that may need additional engagement and technical assistance.

NYSDOL 180-day Response:

The new System includes an agency-facing portal which will provide increased functionality for staff to analyze Program performance, including apprentice completions. The System includes the functionality to calculate an estimated completion date for each apprentice agreement.

NYSDOL has discussed the need to implement additional features building on this System functionality to calculate completion rates as an additional data element. This would allow NYSDOL to track and evaluate apprentice completion rates overall, as well as identify Programs with low completion rates, as they relate to overall Program performance. Once this functionality is fully developed, NYSDOL will evaluate current procedures for issuing Findings that relate to completion rates and determine how additional elements should be considered when issuing a Finding.

NYSDOL has also discussed the need for broadened reporting capabilities within the new System, such as reports that deliver completion rates, which will help identify trends, and will assist with promoting engagement and allow for improved technical assistance. Staff from the Apprenticeship Data/Systems team have recently been provided with access to Microsoft Power BI, a data visualization software, and will be trained to best utilize the platform for reporting purposes.

Recommendation #9:

Work with Sponsors to identify and correct errors in apprenticeship data to improve the accuracy and completeness of the database.

NYSDOL 180-day Response:

The new System will improve data collection and management. It will allow Program Sponsors to input their Program and apprentice information, then necessary data validation mechanisms will be in place to ensure data is being entered accurately and completely. Both Sponsors and apprentices need to verify the accuracy and attest to the information entered. The first public-facing phase of the system was released in October 2025, allowing existing Sponsors to log in through a secure online portal through their NY.gov account, and submit new apprentice enrollments, and exit apprentices digitally. This allows for fewer data errors with the validation rules in place and eliminates the need for data entry by NYSDOL staff. Sponsors are being encouraged to create an account and use their portal to manage apprentices. NYSDOL anticipates an increasing number of Sponsors to begin using the portal soon.

As part of the new System, data is updated in real time, mitigating the issue of data not being updated timely. The System includes dashboards that can be customized, as well as task functions to easily identify any items that need review or update. This will help to further ensure the database is updated timely. Future phases of the System include Sponsors having the ability to review their Program and apprentice information in real time, and submit updates to Program and apprentice information, for NYSDOL's review and approval. The System will also enable Sponsors to identify and correct errors in apprenticeship data, and communicate them to NYSDOL, which will improve the accuracy and completeness of the database.

Recommendation #10:


Incorporate data validation mechanisms in the new apprenticeship data system.

NYSDOL 180-day Response:

Future phases of the new System will allow Program Sponsors to input and revise all Program and apprentice information. Necessary data validation mechanisms are being put into place to ensure data is being entered accurately and completely, and Sponsors and apprentices will need to verify the accuracy and attest to the information entered. The data validation checks that will be implemented will improve the accuracy, reliability, and completeness of the data collected.

If you have any questions or if additional information is needed, please do not hesitate to contact Donald Temple at Donald.Temple@labor.ny.gov or (518-457-7332).

Sincerely,



Scott B. Melvin
Executive Deputy Commissioner

CC: Roberta Reardon, Commissioner
Jill Archambault, Deputy Commissioner, Office of General Counsel
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