



**STATE OF MONTANA
SECRETARY OF STATE'S OFFICE
JOB PROFILE AND EVALUATION**

SECTION I - Identification

Working Title: Compliance Technician

Department: Secretary of State

Class Code Number: 434314

Division: Business Services Division

Class Code Title: Compliance Technician

Section/ Unit: Compliance Unit

Pay Band: 4

Work Address:

1301 E 6th Ave.
Helena, MT 59601

Position Number: 66016, **66021**, 66036,
66050, 66029, 66070

Phone: 444-3665

FLSA Exempt

FLSA Non-Exempt

Profile Completed By: Tana Gormely

Work Phone: 444-2896

Work Unit Mission Statement or Functional Description:

The Secretary of State is one of six executive branch officers originally designated by the Montana Constitution of 1889. The duties of the secretary of state include: interpreting state election laws and overseeing elections; maintaining the official records of the executive branch and the acts of the legislature; reviewing, maintaining, and distributing public-interest records of businesses and nonprofit organizations; filing, publishing, and maintaining administrative rules adopted by state departments, boards and agencies; attesting to the governor's signature on executive orders, proclamations, resolutions, extradition papers, and appointments; preserving the state seal; filing and maintaining records of secured financial transactions, such as liens; serving on the state Board of Land Commissioners and the Board of Examiners; and commissioning notaries public. The Secretary of State's Office is divided into four Divisions: Elections, Business Services, Management Services and Administrative Rules, and Records Management.

The Business Services Division's mission is to serve the business community of Montana and other states and countries by ensuring the accurate and efficient filing, retention, and certification of business documents. The Secretary of State's Office works for and with its customers, continuously striving to improve service. Our office endeavors to provide responsive and responsible service to our customers with a commitment to continuous improvement, new ideas, and innovative approaches.

The Business Services staff discharges the duties of the Secretary of State to provide a central processing and evaluation point for business registrations. The staff reviews, approves, maintains, and distributes records of business and non-profit organizations.

Describe the Job's Overall Purpose:

Reviews business registration documents to make final determination of compliance with statutory requirements under Montana Code Annotated Title 7, Title 15, Title 19, Title 32, Title 33, Title 30, Title 35, Title 61, Title 69, Title 75, Title 76, Title 80, Title 82 and Title 85 and the administrative regulations set forth in Title 44, Chapter 5 ARM. Specifically, review and final determination made by this position results in acceptance or rejection of registration, renewal, amendment, reinstatement, certificate of authority and miscellaneous business filings for Profit and Non-Profit Corporations, Limited Liability Companies, Limited Partnerships, Limited Liability Partnerships, Assumed Business Names, Cooperatives, Bonds, Trademarks and other miscellaneous business types. The filing of business documents protects the entities name and provides the business entity the authority to transact business in the State of Montana under that business name. The rejection of these business documents may result in a delay in entities transacting business in the State, which may in turn have a negative economic impact to the State. This position drafts and sends correspondence to businesses, which details deficiencies with their business document and the steps to correct those deficiencies. The position communicates with business customers by means of the telephone, written correspondence, and in person regarding business filing procedures to ensure compliance with the above-referenced laws and regulations.

SECTION II - Major Duties or Responsibilities ***% of Time***

A. Compliance Corporate Documents **65%**

Compliance Technicians determine and certify the accuracy and completion of business entity documents based on statutory guidelines, SOS policies and Administrative Rules. Ensures all business documents are in compliance with MCA using knowledge of a variety of business filings and transactions including but not limited to articles of organization, documents of incorporation, merger activities, assumed business names, cooperatives, bonds, water/sewer districts, trademarks, and partnerships. This position requires knowledge and comprehension of Administrative Rule Title 44 and Montana Code Annotated Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85, along with SOS history of filing policies and legal opinions. This position certifies to the public and to a court of law that the documents contained in the SOS office are accurate, current and complete.

1. Reviews information provided on business entity documents to identify filing type and statutory adherence with the requirements defined in the Montana Code Annotated. This involves extensive research and analysis of terms, business requirements, name availability, and other details specific to each business entity. The Compliance Technician determines if business name is unique and distinguishable on record based on statute and policies.

2. Evaluates each business document submitted for compliance with Montana Code Annotated, SOS policies and Administrative Rules. Certification of business documents is dependent on businesses providing complete and correct information that satisfies over one hundred requirements outlined in Title 44 of ARM, Montana Code Annotated Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85. Considers such variables as the structure of a business organization; the inclusion of officers, directors, members, managers and partners; the length of time in business; the number and value of shares offered; the type of business; the designations of authority, etc. The Compliance Technician will analyze any changes in information to

determine if the requested action can be accomplished within established legal framework, and to ensure compliance with all statutory guidelines.

3. Conducts detailed review of business documents to identify deficiencies in meeting statutory requirements, Administrative Rules or SOS policies and certifies that documents contained in the SOS office are accurate, current and complete. Confirms or rejects business documents based on statutory requirements and notifies businesses of any deficiencies with detailed steps for corrections. Provides detailed information to customers on the nature of statutory requirements, policies and criteria for business filings, assists customers to restore their business to good standing, and action to take when good standing is jeopardized for failure to register, renew, or amend their business documents.

4. Assesses fees for documents adhering to all statutory and policy requirements. This requires a vast knowledge of applicable administrative rules, statutory guidelines and the SOS database used for electronic storage of business filings. The compliance technician provides priority assistance within very tight timelines to customers requesting the service. The priority service includes compliance, review, and certification of each business document submitted by the customer. Enters document information into corporate database using knowledge of what data is required, and understanding of the system functions, and the various code types found in statute.

5. Drafts confirmation letters to each business entity to inform customer of filing status. This information includes assigned document numbers, company name, submitter information, and a diverse variety of information specifically related to the business and the action requested.

6. Reviews specialized filings such as special districts, bonds, cooperatives and amendments consisting of merger documents that involve two or more business entities merging into one entity. The merger must include a plan of merger that adheres to statutory requirements that includes but is not limited to the terms and conditions, the manner and basis of converting the shares for each corporation, the obligations or securities, the manner and basis of converting memberships of each public benefit or religious corporation into memberships of the surviving corporation, statements that shareholder approval was or was not required and votes for or against the merger; appropriate signatures based on type of entities involved in merger, and a variety of other statements, plans or documentation.

B. Customer Service

30%

Using specialized knowledge of the principals and processes of providing quality customer service this position provides assistance to businesses that enables them to remain active and in good standing with SOS so they are authorized to transact business within the state by:

1. Drafting detailed correspondence that informs business of any deficiencies in their business documents and the steps to correct the deficiencies.
2. Providing detailed guidance to the business community regarding statutory adherence for successful completion of their business documents by means of written material, telephone and in person instruction.
3. Rotation of duty assignments to ensure full coverage of business unit and timely filing of business documents.

4. Providing information in workshop settings to assist the business community with understanding the statutory requirements and policies associated with filing business documents with the SOS.

C. Other Duties as Assigned

5%

This position performs a variety of other duties as assigned by the supervisor in support of the agency mission and work unit objectives. This includes exchanging information with agency staff and the public; providing professional assistance; participate on special projects as assigned; participating in ongoing training and educational programs; and performing a variety of other duties to support the mission of the Business Services Division.

1. Examples of the types of problems solved, decisions made or procedures followed when performing the most frequent duties.

Each business in Montana is unique in the manner in which they organize, in the structure of their organization, in the inclusion of officers, directors, members, managers and partners, in the length of time they transact business, in the number and value of shares offered, in the type of business they are in, and in the designations of authority they provide. The Compliance Technician must maintain a broad knowledge of the business registration laws and apply it to each unique business registration document that is presented. There are currently over 200,000 active businesses on file with the Secretary of State's Office.

With the above requirements in mind, the Compliance Technician analyzes each business filing with a goal of certifying that all information presented meets the requirements of state law. As part of that process the Compliance Technician advises business filers, confirms or rejects filing documents, and provides guidance to businesses regarding their business filing. In addition, the Compliance Technician must analyze laws and procedures in detail to determine where changes are needed in order to provide better customer service and improve proficiencies and efficiencies in the compliance steps.

All work performed by the Compliance Technician must be performed in a time-sensitive manner with a high degree of accuracy.

In the course of performing their duties, the Compliance Technician:

- A. Explains in detail the document filing requirements for each business entity to professional attorneys, CPA's and bankers, and to people with very little comprehension of business requirements within the State of Montana.
- B. Prevents businesses from being involuntarily dissolved or revoked resulting in their authority to transact business in the state being suspended until they reinstate their good standing with the SOS. Involuntary dissolution or revocation may result in the business being declined for business loans, licenses, etc. until they have reestablished their good standing with SOS.
- C. Advises businesses, in detail, on steps they must take when their "good standing" is jeopardized for failure to register, renew, or amend their business documents. Compliance Technicians duties are ministerial and restricted to advising businesses on the action they should take to return their business to good standing.

- D. Provides expedited handling of business documents within condensed timeframes to the business community when they urgently require this service.
- E. Often deals with upset and disgruntled business customers when their business has been involuntarily dissolved or revoked. This position requires patience, understanding, good problem solving skills, and the ability to calm irate customers.

2. The most complicated part of the job.

Compliance Technicians must comprehend and file complex business documents. Ensure statutory requirements and policies are met while working within tight deadlines. Assist customers that have diverse practical knowledge of business requirements that range from very little comprehension to a vast understanding of business law. The Compliance Technician must have a thorough understanding of the laws, and ability to communicate on many levels with equal ease and professionalism. The Compliance Technician must be able to defend decisions before sometimes argumentative professionals or explain decisions to confused customers.

3. The following guidelines, manuals and written procedures are available to the incumbent:

- Montana Code Annotated Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85.
- Title 44 of Administrative Rules.
- Legal Opinions.
- Training material and forms.
- Policy and procedure guidelines.

4. The following duties are considered “essential functions” because they require specialized expertise and are the primary reasons the job exists:

Duty A: Compliance Corporate Documents
Duty B: Customer Service

PHYSICAL

- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Operating a personal computer
- Communicate in writing, in person, and over the phone

MENTAL

- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Computing arithmetic operations
- Comparing data
- Compiling information
- Analyzing, Synthesizing
- Coordinating
- Instructing

5. Does this position supervise others? Yes No

Number directly supervised: 0
Complexity level of the positions supervised:
Position Number(s) of those supervised:

6. This position is responsible for:

- | | | | |
|---|---------------------------------|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> Hiring | <input type="checkbox"/> Firing | <input type="checkbox"/> Supervision | <input type="checkbox"/> Pay Level |
| <input type="checkbox"/> Performance Management | | <input type="checkbox"/> Promotions | <input type="checkbox"/> Discipline |
| <input type="checkbox"/> Other: | | | |

7. Attached Organizational Chart.

SECTION III Minimum Qualifications The minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

Basic knowledge of a variety of business filings and transactions such as articles of organization, documents of incorporation, merger activities, assumed business names, trademarks, partnerships, bonds, special districts, etc.; and the ability to learn applicable sections of Title 44 of ARM, Montana Code Annotated Titles 7, 15, 19, 32, 30, 35, 61, 69, 75, 76, 80, 82 and 85, and the SOS history of filing policies.

Employee must be proficient on a computer, including typing no fewer than 40 wpm, and have considerable knowledge and experience working with window based applications, including web-based applications.

Employee must have ability to be trained in operating and maintaining office equipment.

Employee must have familiarity with how to find read and interpret state and federal statutes, rules and regulations.

Employee must have the ability to communicate relevant and often complex information to customers.

Employee must have ability to prioritize work and focus on details in a high production setting.

Employee must be able to perform complex procedures and compliance reviews in a very condensed time frame. To perform these duties the employee must be detailed oriented, possess a proficiency and desire to resolve issues on their own.

Employee must have ability to relate daily work to finished product to foresee problems and develop solutions.

Behaviors required to perform these duties

- **Verbal Communication:** Keeps appropriate individuals informed. Listens to others respectfully, understands or seeks clarification, and responds appropriately demonstrating tact and diplomacy. Expresses thoughts and ideas clearly. Maintains a positive work atmosphere by behaving and communicating in a manner that promotes cooperation with customers, clients, co-workers and managers.
- **Written Communication:** Writes clearly, logically and effectively using proper style, tone, grammar, spelling and punctuation. Written work products and language are appropriate to the intended audience
- **Flexible at Work:** Responds positively to changes in direction, priorities, responsibilities, personnel or assignments. Works effectively in a variety of situations and with a variety of individuals or groups. Maintains composure and displays restraint when faced with opposition, stress, or hostility from others.
- **Working with Others:** Relates to others in an open and accepting manner; is approachable. Offers and accepts opinions constructively. Adjusts to how individuals and the work unit will react. Treats others with respect. Constructively resolves disagreements. Is open to others' ideas and gives credit and recognition to others. Strives to create a positive work climate and energizes and inspires others to do their best.
- **Responsive to Work Needs:** Willing to perform different jobs, cross train, or assist wherever needed. Is aware of co-worker workload and responds accordingly.
- **Initiative:** Suggests improvements and new ideas, technologies and approaches to the workflow and Division needs. Willingly applies new and evolving ideas, methods, designs and technologies as changes arise in the office.
- **Efficiency and Focus:** Uses time effectively and prioritizes tasks. Is aware of workload and makes appropriate adjustments to meet deadlines and complete tasks. Handles interruptions or distractions and stays on task. Achieves goals.
- **Accuracy:** Ensures accuracy of work and makes corrections in a timely manner. Is conscientious and monitors own quality of work.
- **Attendance:** Arrives on time for work and demonstrates good attendance record.
- **Organizational Awareness:** Understands and follows the rules, policies and laws that govern work. Identifies key decision-makers; understands and respects the balance of authority. Acts in accordance with the State Ethics policy. Represents self and the office in a professional manner.

Education:

Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

- No education required
- High school diploma or equivalent
- 1-year related college/voc. training
- Related AAS/2-years college/vocational training
- Related Bachelor's Degree
- Related Master's degree

Please specify the acceptable and related fields of study:

Paralegal or Business Administration, Public Administration or related field.

Required/Acceptable:

Related:

Other education, training, certification, or licensing required (specify):
WORD, Outlook e-mail

Experience:

Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

- No prior experience required
- 1 to 2 years
- 3 to 4 years
- 5 or more years

Other specific experience (optional):

Alternative Qualifications:

This agency will accept alternative methods of obtaining necessary qualifications.

- Yes
- No

Alternative qualifications include: Equivalency in education and job-related experience combinations may be considered.

SECTION IV – Other Important Job Information

Work is performed in a normal office environment, and the position requires the ability to communicate effectively in person, in writing, and over the phone. Work hours vary in complying with numerous deadlines, customer requests, interruptions and wide fluctuations in work volumes, and deadlines require the employee to be able to work under pressure for long periods of time.

SECTION V – Signatures

My signature below (typed or hand written) indicates the statements in Section I to IV are accurate and complete.

Employee:

Name: _____ Title: _____

Signature: _____ Date: _____

Immediate Supervisor:

Name: _____ Title: _____

Signature: _____ Date: _____

Deputy:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Designee:

Name: _____ Title: _____

Signature: _____ Date: _____