



Montana Automobile Dealers Association

APRIL 2017 NEWS BULLETIN

APRIL News and Updates

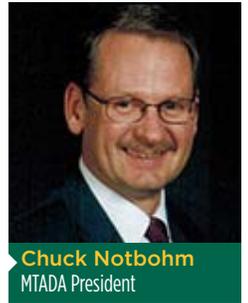
It is hard to believe we have completed the first quarter of 2017. With the challenges that were present the first couple of months, I trust all of you have survived and off to a good second quarter. Items the association are working with and events that you should be aware of are:

- Doug Greenhouse, Chief Regulatory Counsel for NADA, presented a conference call discussing the issue of overtime for service writer. If you were not able to be a part of that call, feel free to contact the association office and they will be able to send you a copy of a brochure addressing the issue.
- The spring MTADA board meeting will be held in Helena, May 9th. If you have anything for the board to discuss, please let me know.

- MTADA 103rd annual Family Convention will be August 25th & 26th at Fairmont Hot Springs. Kelsey has arranged for workshops, presentations, golf scramble, and dinner. You can register on line for this event.

- Bruce reported at our last board meeting that both bills, SB-89-Wrongful Termination and SB-108-Right of First Refusal, passed the House and Senate and were signed by the governor. If you would go to the MTADA Facebook, you will be able to see a video of the signing ceremony.

Well, that is all for this month. I will talk to you again in May. ■



Chuck Notbohm
MTADA President

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IN THIS ISSUE

<i>Director's Message</i>	p2
<i>How Do We Replace Them</i>	p5
<i>NextGen Wrap-Up</i>	p6
<i>APRIL Trivia</i>	p9
<i>Senior Promise 2017</i>	p9

and more!



DIRECTOR'S MESSAGE:

New-Car Dealership Employment Sets Record in 2016

TYSONS, Va. (April 13, 2017) - Employment, wages and payroll at U.S. new-car dealerships all continued to rise in 2016, according to a new report released by the National Automobile Dealers Association.

In 2016, new-car dealerships directly employed a record 1,131,900 workers, a 2.4% increase from the previous year, according to NADA Data 2016, the annual financial profile of new-car dealerships.

“Total dealership employment has consistently risen every year since the Great Recession,” said NADA Chief Economist Steven Szakaly. “In addition, hundreds of thousands of other local jobs are dependent on dealerships.”

Employment and Payroll

On average, a dealership employed 69 workers in 2016, up from 66 in 2015.

Average weekly earnings of dealership employees also increased, growing by 2.6% from 2015. Total annual compensation now averages \$69,000 per employee, giving dealership employees one of the highest average salaries of any industry.

Average annual payroll was \$65 billion, up 4.9%, or \$3.9 million per dealership.

Dealership Financial Trends

Total dealership sales revenue, including new- and used-car sales (including F&I), parts, service and body shop was \$995.6 billion in 2016, an increase of 6.1% from 2015. The average per dealership was \$59.6 million.

The top-10 states in dealership sales in 2016 were California, Texas, Florida, New York, Oklahoma, Pennsylvania, Illinois, Michigan, Ohio and New Jersey.

Average Dealership Profile

Despite rising auto sales and back-to-back record sales in 2015 and 2016, net pretax profit at new-car dealerships as a percent of total sales has remained flat, hovering at 2.5 percent for several years.

“The past seven years have been the longest period of new-vehicle sales growth since the 1920s,” Szakaly added. “For 2017 we expect new light-vehicle sales to continue on a strong trend, ending another year above 17 million.”

In addition to the Average Dealership Profile section, NADA



Don Kaltschmidt
NADA Director

Continued on PAGE 8

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‘How Do We Replace Them?’

As skilled workers approach retirement, schools focus more on career training

BILLINGS — Working on cars is a puzzle for Seth Hawkins.

“When it finally works, you win,” the high school senior said Tuesday at the Career Center. “If it doesn’t work, you’ve got to keep figuring out the puzzle.”

It’s a more complicated puzzle than it used to be, both inside individual vehicles and for the workforce that fixes them. Auto work requires more training than ever, and with an aging workforce, industry leaders fear an impending labor shortage.

It’s a similar story in many industrial trades: as schools have continued a long trend of focusing on four-year college, jobs often pigeonholed as “dirty” have garnered less interest.

The “skills gap” is often highlighted by industry and government officials as the confluence of workers needing more advanced skills to enter trades at the same time there are less people pursuing trades.

At Brown’s Auto on Broadwater Avenue, the average employee age is 54. The shop doesn’t have trouble finding workers now, but general manager Gordon Tryan is looking down the road.

“The biggest fear is, ‘how do we replace them?’” he said.

‘Adrenaline rush’

Kids like Hawkins aren’t looking at labor reports. They work on cars because they like it, and they had a family connection that got them interested.

Senior Craig Iverson’s dad raced stock cars, and Iverson grew up working on the vehicles.

“It’s like an adrenaline rush,” he said. “It’s amazing what these engines can do, racing.”

Iverson evolved into a puzzle guy, but not every kid with a passion for a revving engine does.

“I get kids that like cars and kids that like to fix cars,” said Career

Continued on **PAGE X**



Technician Les Smith uses a pressure gauge to measure fuel pressure at Brown’s Auto Service March 6, 2017

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LEGAL UPDATE

Statute Of Frauds, You Say - What's That?

South Chicago Nissan recently learned about the Statute of Frauds and dodged a bullet. Black's Law Dictionary says the Statute of Frauds dates back to 1677 England. It prevents suit on some contracts unless there is a writing, signed by the party to be charged. The original purpose of the Statute of Frauds was "to close the door to ... numerous frauds and perjuries."

In Montana, as most other states the Statute of Frauds has been incorporated into Article 2 of the Uniform Commercial Code governing transactions in goods. It says:

30-2-201. Formal requirements -- statute of frauds. (1) Except as otherwise provided in this section a contract for the sale of goods for the price of \$500 or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by the party's authorized agent or broker. A writing is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this subsection beyond the quantity of goods shown in the writing.

Back to South Chicago Nissan. Joseph Isenbergh went to South Chicago Nissan to buy a new Nissan Versa. The dealership told him that the car was not in stock but could be ordered and delivered within 60 days. Because Isenbergh would need a car during the 60-day period, he asked if he could rent or buy a used car from South Chicago in the interim. South Chicago offered Isenbergh a car and allegedly made an oral agreement with him that it would buy back the temporary car when the Versa was delivered at a "formula price" that would limit Isenbergh's cost of buying the car to no more than the total of two monthly payments under the retail installment sale contract, or \$1,100.

Isenbergh agreed to this arrangement and financed the purchase of the temporary car. Isenbergh returned to the dealership a few months later to buy the Versa, but the dealership allegedly refused to buy back the temporary car at the price it promised. Isenbergh sued the dealership, as well as the assignee of the RISC, alleging claims of common law and statutory fraud, breach of contract, promissory estoppel, and violation of the Illinois Motor Vehicle Retail Installment Sales Act and the federal Truth in Lending Act. Isenbergh settled with the assignee. The trial court dismissed Isenbergh's breach of contract claim against the dealership as barred by the Statute of Frauds, and Isenbergh appealed.



R. J. "Jim" Sewell, Jr.
MTADA General Counsel

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Continued on **PAGE 7**

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Montana Auto Dealers Educate School Counselors

April 7, 2017, we had the opportunity to educate school counselors about the vast career opportunities within the automotive industry and the up-and-coming “MTADA Career Pathway Initiative”. The Montana School Counselors Association (MSCA) had their annual convention in Bozeman, Montana April 6th and 7th. The focus for their convention was “planes, trains, and automobiles”. We had the opportunity to show them the automobile side.



Billion Auto Group was gracious enough to host the event. The counselors were bused to the Billion Chrysler store, where the tour began. Joe Billion and the MTADA greeted the counselors and then the tour got rolling. Counselors had the opportunity to see dealership operations up close. Billion’s competent and highly trained staff treated the counselors to a live demonstration of the latest, high tech



equipment. The counselors were able to see how bright, clean and professional the work environment in a dealership is, even on the service side where many consumers don’t have the chance to explore.



By Kelsey Wandke
Dir. Of Dealer Operations

After the tour of the facility, we had a panel discussion followed by a comprehensive Q&A session. The panel was made up of people in a variety of positions throughout the dealership along with educators from Highlands College tech program and City College MSU-B auto body program. Joe Billion gave an overview of the variety of opportunities within his dealership, many of which do not require a traditional four-year degree. Each panel member gave a brief presentation about what made them choose their career field and how they got where they are now.



Many of counselors were surprised at the average salaries for the positions in a dealership, which don’t necessarily require a four-year degree. The goal of the tour was to inform school counselors of the career opportunities right in their hometown at their local dealership along with the paths to get them there. We believe that goal was met. On the bus ride back to their hotel, a few counselors said “that tour was the highlight of their conference”.

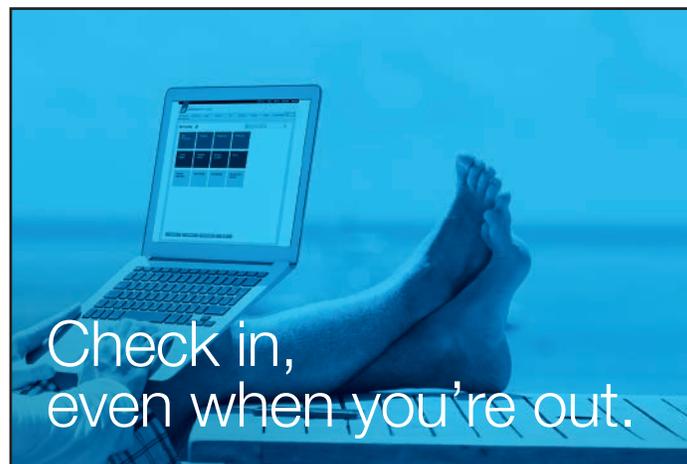
If you have any questions about the MTADA Career Pathway Initiative or want to get involved, please call Kelsey at 406-442-1233. ■

Legal Update CONTINUED FROM PAGE 5

The Court held that Section 2-201(1) of the UCC provides that the sale of goods for a price of \$500 or more is not enforceable unless there is some writing sufficient to indicate a contract for sale has been made between the parties and signed by the party against whom enforcement is sought. Isenberg argued that the oral agreement he entered into with the dealership to buy back his temporary vehicle for a certain price did not fall within the scope of Section 2-201(1). The Appellate Court of Illinois found that the oral buy-back agreement was for the sale of goods and for an amount over \$500 and thus was subject to the Statute of Frauds.

The appellate court rejected Isenberg’s argument that the buy-back agreement was an “option to sell” and thus was not a sale of goods covered by the Statute of Frauds, noting that the UCC covers the sale of goods to be made at a future date. Accordingly, the appellate court concluded that the trial court did not err in finding that the alleged oral buy-back agreement involved a contract for the sale of goods over \$500 that was subject to the UCC’s Statute of Frauds and, therefore, found that dismissal of Isenberg’s breach of contract claim was proper.

While the oral agreement worked out for the dealer in this case and the dealer dodged the bullet because the court refused to enforce the agreement - most of the time oral agreements cause more problems than they solve. The moral of the story is you should always take the time to reduce all agreements you have with a customer to writing and have the customer sign the document. Otherwise, the agreement you thought you had with your customer will not be worth the piece of paper it should have been written on. ■



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Director's Message

CONTINUED FROM PAGE 2

Data 2016 now includes a new expanded financial profile section covering Domestic, Import, Luxury and Mass Market dealerships.

Service and Maintenance

New-car dealerships wrote 259 million customer repair orders in 2016, up 6.5% from the previous year. These orders included service, warranty and recalls.

“More and more consumers are choosing new-car dealerships for their service needs,” said Patrick Manzi, NADA senior economist. “Express service, such oil changes, and non-warranty repair orders at dealerships, on average, increased by 10.9% and 4.2%, respectively, in 2016. This increase demonstrates that consumers value the expertise of the highly-trained and factory-certified technicians employed at new-vehicle dealerships.”

Other highlights from NADA Data 2016 include:

The total number of new-car dealerships was 16,708, up 163 from 2015.

- A record 17,465,020 new cars and light trucks were purchased or leased in 2016.
- The average selling price of a new vehicle was \$34,449, up 3% from 2015.
- The average selling price of a used vehicle was \$19,866, up 2.5% from 2015.
- New vehicles sold per dealership on average was 1,045.



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- Number of customers purchasing a new- or used-vehicle service contract was 43.7%, up 1% from 2015.
- New-car dealerships sold 14,968,206 million used vehicles, which accounted for 37% of all used vehicles retailed.

NADA Data 2016 was updated with completely re-benchmarked data and methodologies. Revisions and expansions within the Average Dealership Profile series

influenced how dealership sales were calculated. As a result, data and figures from previously released reports will not be comparable to the 2016 report.

There are two versions of NADA Data 2016. One is a general overview of the retail-auto industry, with infographics that can be shared by print and broadcast news outlets as well as on social media. The other, more detailed version looks at each dealership department, employment and payroll, trends in dealership advertising, as well as the entire retail-auto industry.

To download either version of NADA Data 2016, visit www.nada.org/nadadata. ■



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Senior Promise 2017

The Campaign that Began as a Contest Is Now a Community-Wide Call to Action

The Facts

It's the time of year most high school seniors have been looking forward to since school began. Classes are winding down and senioritis is at epidemic levels as thoughts turn to prom night, graduation, celebrations and summertime fun. It's an exciting time, yet all too often these parties and celebrations turn tragic especially when alcohol and drugs are present.

How serious is it? Statistics identify this as one of the deadliest times of year for teens, with seven of the top 10 deadliest driving days occurring between Memorial Day and Labor Day. According to National Highway Traffic Safety Administration (NHTSA) statistics, nationwide, 48 teenagers die and another 5,202 are injured in car crashes on a typical prom weekend. For the past several years during prom weekend, approximately 300 teens have died in alcohol-related crashes.

WHY SO MANY CRASHES?

INEXPERIENCE Teens crash most often because they are inexperienced – not because they take more risks behind the wheel. Most fatal nighttime crashes involving teen drivers happen between 9 p.m. and midnight.

Click Here to take the Senior Promise 2017 pledge
<https://form.jotform.us/70876244993167>

IMPAIRED DRIVING – 26% of young drivers 15 to 20 years old who were killed in crashes in 2015 had blood alcohol concentrations (BACs) of .01 g/dL or higher; 80 percent of those young drivers had BACs of .08 g/dL or higher.

SEAT BELTS – 54% of teens killed in car crashes in 2015 were not restrained in a seatbelt. Teenagers are less likely to wear safety belts even when their parents do. The report found that 46 percent of the teenagers who were dropped off at school by their parents were not wearing safety belts.

SPEEDING – 25% of drivers involved in fatal crashes, young males are the most likely to be speeding. In 2013 about 35 percent of both 15 to 20-year old and 21 to 24-year old male drivers who were involved in fatal crashes were speeding at the time of the crash, compared to 21 percent of female drivers of the same age group.

DISTRACTED DRIVING -11% of all drivers 15 to 19 years old involved in fatal crashes were reported as distracted at the time of the crashes. This age group has the largest proportion of drivers who were distracted at the time of the crashes. (NHTSA)

TOO MANY PASSENGERS The AAA Foundation for Traffic Safety released a report that showed that the risk of 16- or 17-year old drivers being killed in a crash increases with each additional teenage passenger in the vehicle. The risk increases 44 percent with one passenger; it doubles with two passengers and quadruples with three or more.

Safety is a shared responsibility that starts with your smart choices and safe driving. Make a promise today and do your part to make this a safe, exciting and memorable time for the graduating class of 2017. ■

APRIL Trivia Contest

Win a \$20 Gift Card and a Chance to Win 4 Tickets to the Cat-Griz Game



The winner of last month's trivia question "Henry Plummr was the 'outlaw' sheriff of which Montana Town" was Don Polich of Subaru of Butte with the correct answer, "Bannack."

April Trivia Question

This month's trivia question is "Which Montana lake is the largest natural freshwater lake in the western United States?"

Submit your answers to kwandke@mtada. All correct responses to this month's trivia question will be put in a drawing for a \$20 Amazon Gift Card. The winners of the monthly trivia questions will be put in the drawing for the grand prize, four tickets to the Cat-Griz Game!! **Good Luck!**

How Do We Replace Them

CONTINUED FROM PAGE 3

Center automotive teacher Joshua George. “You need a kid that likes to figure things out.”

They need to be comfortable working with computers that diagnose specific problems. They need to learn where to look next if that recommended fix doesn’t work. And they need to keep up as cars evolve.

Les Smith has seen that evolution.

“Somebody that learned stuff at home with their dad and stuff is not going to have that knowledge to work on a new car,” he said at Brown’s, his workplace for the past 12 years. “You can do brakes, you can do something simple ... (but) it’s all electrical now.”

“You can’t hire someone just to do one aspect of a vehicle anymore,” Tryan said.

In School

School District 2 has focused more on career and technical education (CTE) in recent years. This year the district started funneling more freshmen and sophomores toward the Career Center, which was traditionally home to older students. SD2 championed a bill that increased CTE funding by \$1 million in 2015, though Montana still lags far behind most states.

The district is spearheading another funding increase proposal this year. And it recently announced the search for a new administrative position that will help coordinate district education with employer needs.

That new salary is paid half by SD2, and half by a group of local businesses and foundations, including Brown’s. Tryan sees chipping in as hopefully benefiting Brown’s, but also as supporting an education he believes in.

“The non-skilled jobs are going away,” he said, citing increasing automation. “People have to have some sort of skill. ... You have to work with your hands, and I think that’s an important part of the education process.”

Senior Austin Hirsch has no problem working with his hands, but acknowledged that it’s not emphasized in society.

Automotive work “is kind of a dirty job, but it’s an honest job,” he said.



Gordon Tryan, General Manager at Brown’s Auto Service, talks about staffing. March 6, 2017.

Each of the students agreed that school counselors emphasize a four-year degree, and said that they think the Career Center could have a higher profile. That’s similar to recommendations in a CTE report the district commissioned last school year, which also recommended hiring the new administrator.

“It was drilled into me, you have to go to a four year school,” Iverson said.

There have been logistical hurdles to getting more kids at the Career Center. The district needed to add several core courses, like math and English, but traditional classroom space is limited at the building.

George said he’d like to see more apprenticeships that get students a taste of real jobs in several industrial trades. Iverson currently works at an auto dealership, but it’s a gig he found himself.

“We need businesses to buy into the student,” George said.

In his shop, George credited the 2015 CTE funding increase with helping him keep tools and resources up to date.

“If that money goes away...” he trailed off.

Each of the three seniors knows that they’ll need additional automotive education before getting jobs, likely through two-year college programs. If employers are concerned about the labor pool, the students see it as a positive.

“It’ll make our jobs more valuable,” Hirsch said. ■

Source: MATT HOFFMAN mhoffman@billingsgazette.com Mar 15, 2017

DEALER UPDATE



Bill Underriner, right, dealer principal of Underriner Honda in Billings, Mont., and his son Blake Underriner received a 40-year award from American Hon-

NADA Dealership Workforce Study

REMINDER; the NADA Dealership Workforce Study (DWS) is open for participation now through April 28, at www.nadaworkforcestudy.com. The DWS provides analysis of dealership pay plans and benefit packages, retention and turnover, employee benefits, work schedules and demographics. The study is based on actual payroll data and questionnaire responses submitted by NADA and ATD members. In return for participating in the study, dealerships receive two complimentary reports: (1) Automotive Retail: National and Regional Trends in Compensation, Benefits and Retention and (2) a custom report, which includes comparisons of the dealership(s) to peers nationally, regionally, by state and brand. All data must be submitted by April 28, 2017.

To participate in the study, dealers should go to www.nadaworkforcestudy.com to begin. For questions, please email WorkforceStudy@nada.org.

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5 Things You Don't Understand About Social Media

We hear it time and time again, that digital marketing and social media are two of the most important ways to catch the eyes of your customer and interact. But the car industry is still notoriously behind in these aspects, for the most part. So where are we missing the mark? Here's 5 important things about business social media that you may not know, but that will help boost your company and take you to the big leagues.



1. Interaction is everything. Social media is about just that, being social! Just posting a few times a day or week isn't enough. You need to interact with commenters, be willing to answer questions, and be a real presence on social media. It's the perfect way to let your customers know that you aren't some faceless company, but that you are real people doing real work.

2. Consistency, consistency, consistency. Being regular and consistent with the number of posts, the tone of your voice, and the daily posting schedule is so important! Making sure that you aren't overwhelming your audience, but also ensuring that they get to see posts from you regularly, is a fine balance, but one that you can achieve. Test what time of day your posts get the best interactions, find out which tone of voice gets the best responses, and then be consistent with your findings!

3. Schedule posts. Make sure that overnight and weekends aren't a dead spot for your social media. Schedule out posts to go out after you leave the office in the evening, over the weekends, and over holidays! You don't have to have people working at their computer on Saturday, but you can ensure that your social media is working for you even when nobody is in the office!

4. Promote your posts. Don't just post on social media, make sure you are utilizing your social media by promoting your posts. For just a few dollars, you can get a lot more eyes on your ads and posts. These small promotions can expand your audience and help you gain new followers. You can target local people, certain age categories and other demographic information!

5. Create great content. All of your social media efforts will be in vain if you aren't creating valuable content. Make sure you have creative, interesting, visual and easy-to-read content. Filling your content with lots of numbers, too much jargon, or not using images won't help you on social media. Find creative ways to make people laugh or think, and don't be afraid to be different than your competition! Most people don't know the price of a specific vehicle, so if you're using numbers talk about discounts or rebates, rather than the exact price.

Following these social media tips will help you utilize this valuable tool, and reach a whole new audience that you didn't know you could have! ■

Written by Maddy Low, Community Manager of DrivingSales on 04/18/2017

April: Distracted Driving Awareness Month

We reach for the radio. We take a call. We turn around to talk to our passengers. We send a text or skim an email. We eat. We take a selfie.



By Gillette Vaira, M.A.
Communications Manager
EBMS, INC.

These aren't only visual and mechanical distractions; they're also cognitive distractions. Our attention is diverted to whatever task or conversation in which we engage. It's called inattention blindness, and it leads to the inability to process our surroundings. **Distractions, along with alcohol and speeding, are leading factors in crashes that lead to fatalities and serious injuries.**



Human brains cannot multitask. Our brains can handle tasks in sequential order, but they can still only complete one thing at a time. We're already completing enough tasks while driving, including pushing the break or

gas pedal, steering the wheel, looking at our mirrors and through the windshield, listening for horns, watching for lights and signs, checking out road conditions, etc. Add a conversation, hands-free or not, and the drive can become very dangerous, very quickly.

Why do we take these risks and allow distractions while driving? Despite the known consequences, nearly 50 percent of drivers are comfortable texting and driving. This is an epidemic, and one that the National Safety Council observes during the month of April as Distracted Driving Awareness Month.

Every eight seconds, someone is hurt in a car crash. Lead by example for your customers, your colleagues, and your families. Use your knowledge to be a game changer, not a statistic. You can choose to protect yourself and others by eliminating distracted driving. ■ Source: <http://www.nsc.org/>

Educating Your Members Begins with You

The Montana Automobile Dealers Association has partnered with EBMS to provide you and your employees with a variety of resources to keep you physically and financially well on your journeys. So pass it on! Consider sharing this information with your employees so you can empower them to be their healthiest selves. After all, a healthy workforce means a healthy business.

The Great Multitasking Lie

MYTH
versus
REALITY

MYTH #1 Drivers can multitask
REALITY

I'm good. How ya doing? Great.

The human brain cannot do two things at the same time – like watch tv and hold a phone conversation.

PLEASE STAND BY

The same is true when driving and talking on your phone. The brain switches between the two tasks which slows reaction time.

BOTH THINKING TASKS

MYTH #2 Talking on a cell phone is just like speaking to a passenger
REALITY

Backseat drivers are good for you. Adult passengers help the driver and alert drivers to traffic problems.

WATCH OUT!

People on the other end of phones can't see what's going on!

MYTH #3 Speaking hands-free is safe to use while driving
REALITY

Drivers talking on cell phones can miss seeing up to 50% of their driving environments, including pedestrians and red lights.

MYTH #4 I only use my phone at stop lights so it's ok
REALITY

27 SECONDS

Even at stop lights, it is important to remain an attentive driver. For example, a recent AAA study shows that people are distracted up to 27 seconds after they finish sending a voice text.

MYTH #5 Voice-to-text is safe to do while driving
REALITY

It is actually still very distracting. You're not only mentally distracted, but you're visually distracted due to the common autocorrect errors.

Send text to Aunt Lisa

I miss you and hope to see you loon

Sending text to Amoré Pizza

Get more info: distracteddriving.nsc.org

Sources: National Highway Traffic Safety Administration | University Of Utah | The AAA Foundation for Traffic Safety | National Safety Council



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KICK-OFF MEETINGS FOR THE MTADA CAREER PATHWAYS INITIATIVE



MTADA Automotive Industry Technician Career Pathways Initiative

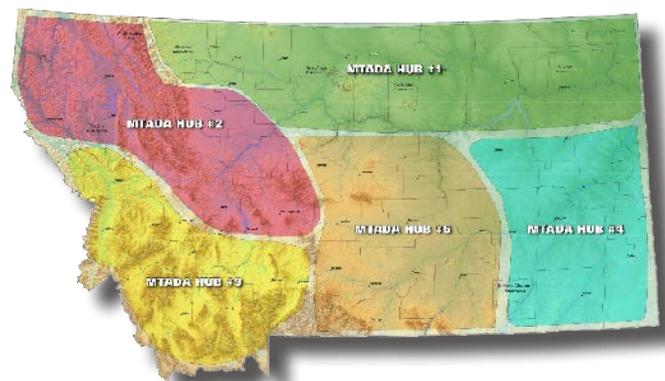
This is a great opportunity to have a voice within the industry, present opportunities to Montana's youth and to mold a curriculum that will develop competent technicians ready to work in your dealership

A series of five planning meetings were held in February throughout the state in Havre, Helena, Butte, Miles City, and Billings. There was involvement from state entities, educators, and dealerships across the state. During these meetings, we discussed potential career pathway opportunities and the goals of the program:

1. Promote awareness of career pathways within Montana's automotive industry;
2. Align high school & college curriculum with MTADA- designed or industry designed workplace competencies;
3. Integrate high quality work based learning experiences within secondary and post-secondary academic programs; and
4. Incentivize and promote participant engagement & progression in MTADA's career pathways.

If you would like more information about the MTADA Automotive Industry Technician Career Pathways Initiative or to get involved, please call Kelsey at 406-442-1233 or email her at

kwandke@mtada.com





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