

Rebecca Hartwig, CRNA

P.O. Box 1077
Chelan, Washington
98816
hartwigwest@nwi.net

March 30, 2021

Honorable Whitman L. Holt
US Bankruptcy Court
904 West Riverside suite 304
Spokane, Washington 99201

Dear Honorable Holt;

I , Rebecca Hartwig, Certified registered Nurse Anesthetist, (CRNA) , am asking the Court to reconsider my employment status the debtor, Astria Health has implied, as contracted and therefore "contractually ineligible" for a payout of my unused Paid Time Off (PTO) benefit. I was an Employee at Will with an employment agreement signed in good faith. My PTO time was never categorized as a "use it or lose it" benefit but allowed to accrue and carry over year to year as I will explain in more detail. I am asking my claim remain a Priority Claim, paid out as such, and not all under the status of a General Unsecured Claim.

I was employed at Astria Yakima Medical Center from April 1 , 2012 until its closure in January of 2020. Over the course of that employment , I signed an Employment Agreement , not binding contract, on January 26, 2012, January 25, 2018 when I went to half time status, and again on October 23, 2019 when the CRNAs negotiated a pay raise after the anesthesia department was reorganized. (Please see exhibits 1,2 and 3). Nowhere in those written agreements does it state my PTO compensation would be if lost if not taken. The fact that my PTO was categorized as a "use it or lose it" benefit was not how those benefits were paid out to me the entire time I was employed. PTO time was averaged over the span of the year based on the Employment Agreement compensation and then accrued bimonthly. (Please see exhibit 4). It was strongly discouraged to have more than one provider off at a given time given staffing concerns. Therefore it was recognized by other team members and the Head



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Anesthesiologist who made the schedule, that my PTO time could be carried over, not lost at the end of the year. This also avoided a staffing shortage at the end of the calendar year over the busy holiday season and highly desirable vacation times. To have more than one anesthesia provider off at one given time could result in shutting down an operating room resulting in financial loss for the hospital.

While CRNAs are advanced practice Registered Nurses, they were not represented by WSNA or any other organized union, therefore they do not fall under those compensation pay outs already done with this bankruptcy.

Nowhere in my agreement does it state I would not be eligible for a "cash out" of my PTO at any time.

On Page 6, line 1 of the Objection, it states: "Unused Benefits (namely PTO) of employees whose employment was terminated were paid any administrative and priority amount which they were entitled." (See paystub dated 07/30/2020 Exhibit 5) . One check was received from Atria Health in July, 2020. It was in the amount of \$2144.91, \$1793.55 after taxes and deductions. This compensation was for earned and unused PTO earned AFTER the May, 2019 filing of bankruptcy by the hospital. The original Proof of Claim filed sought compensation of \$12, 882 for PTO accrued 180 days PRIOR to closure. (Please see Exhibits 6 and 7). The check for \$1793.55 suddenly appeared in my bank account via automatic deposit with no way to contest the amount or refuse deposit as only partial payment. The letter that followed (not dated, Exhibit 8) was received via USPS mail after the check was automatically deposited. This was by no means the total amount of money owed as calculated for the Priority Claim filed January 24, 2020 with the Bankruptcy Court representing the 180 days prior to the debtor filing bankruptcy. I was never paid PTO earned from November 7, 2018 to May 5, 2019 that the letter exhibit 8 stated the Bankruptcy Code would now allow Atria to pay, "subject to certain limits".

Please consider this letter an Objection to the Omnibus Objection to Terminated Employee Claims.

Thank-you for your time and consideration of this request.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca Hartwig". The ink is dark and the signature is fluid.

Rebecca Hartwig, CRNA, ARNP, MSA

	Claimant Name and Number ²	Claim Number ¹	Filed Claim Amount and Priority ³	Administrative Claim Amount Paid	Priority Claim Amount Paid	Comments
10.	H. Crawford 4110598	503	\$15,106.71 P	N/A	N/A	Remainder, if any, GUC
11.	G. Davila Jr 4134802	524	\$9,500.00 P	\$1,249.08	\$2,787.24	Remainder, if any, GUC
12.	K. Eder 4139666	657	\$5,200.00 P	\$1,427.41	\$2,652.06	Remainder, if any, GUC
13.	B. Fischer 4138143	594	\$7,391.28 P \$33,796.90 GUC	\$2,900.27	\$2,802.90	Remainder, if any, GUC
14.	C. Frisbie 4138411	614	\$2,328.61 P1 \$179.12 P2 \$496.64 GUC	\$429.94	\$444.12	Remainder, if any, GUC
15.	C. Harris 4136875	540	\$6,932.43 P	\$7,898.62	N/A	Remainder, if any, GUC
16.	R. Hartwig 4063136	493	\$12,882.00 P	N/A	\$2,145.26	Remainder, if any, GUC
17.	S. Honey-Morrow 4138323	607	\$641.02 P	N/A	\$641.02	Remainder, if any, GUC
18.	W. Johnson 4116452	511	\$4,716.26 P	N/A	N/A	Remainder, if any, GUC
19.	J. Johnston 4089903	461	\$10,776.00 P	N/A	N/A	Remainder, if any, GUC

US_Active\116429116V-7



January 26, 2012

Rebecca Hartwig
P. O. Box 1077
Chelan, Washington 98816

Dear Rebecca:

We are pleased to offer you the full time position of CRNA at Yakima Regional Medical and Cardiac Center. We believe you would be a great fit for our facility. We hope your feelings are mutual and will consider the following employment offer which includes:

- Compensation of \$160,000 per year paid bi-weekly
- Compensation of \$115.38 per hour for all hours worked over 40 in a week
- Back up on call paid, Monday through Thursday \$100 per day, Friday \$150 per day and Saturday and Sunday \$300 per day
- Annual dues are paid to approved professional organizations, including, but not limited to, AANA, State and local Medical Associations, DEA Registration and State licensure up to \$800 per year
- CME Expenses up to \$2500 per year and 5 days (40 hours)
- Coverage under the hospital's malpractice insurance
- Paid Time Off and Extended Illness Time per policy which is 30 days PTO (6 weeks) and 8 days EIT
- You can participate in the hospital employee health and benefit plan after 30 days of employment
- You can participate in the hospital 401K plan

Please note this offer is contingent upon successful completion of a drug screen to be completed prior to your first day of employment, application processing, licensure verification, background checks, satisfactory references and credentialing. This offer is valid until January 30, 2012 with an anticipated start date of no later than April 2, 2012 as long as you are credentialed. Please indicate your acceptance in writing to me before the close of business on January 30, 2012. Should you accept this offer I will contact you with drug screen information and background check release forms. If you have any questions, please do not hesitate to contact me at 509-575-5096. I am very excited to extend this opportunity to you and look forward to having you as a meaningful contributor to our Hospital team.

Sincerely,

Jeff Daily
Jeff Daily
Employment Coordinator
Human Resources

I accept the above offer.

Rebecca A. Hartwig 1-26-2012
Rebecca Hartwig



ASTRIA REGIONAL MEDICAL CENTER

January 25, 2018

Rebecca Hartwig

Dear Becki:

We are pleased to you here part time position as a CRNA at Astria Regional Medical Center. We hope your feelings are mutual and will consider the following employment offer which included:


- Compensation of \$86,392 per year paid bi-weekly
- Compensation of \$124.61 per hour for all hours worked over 40 in a week.
- Back up on call paid, Monday through Thursday \$100 per day, Friday \$150 per day and Saturday/Sunday \$300 per day.
- We will pay the following dues and fees: state licensure; D.E.A. registration; AANA dues; dues for one state and one local medical association and fees for your membership on one board recognized by the National Board of Medical Specialties. We will also provide a book and manual allowance of up to \$ 300 per calendar year.
- CME Expenses up to \$2500 per year and 5 days (40 hours)
- Professional Liability Insurance including tail coverage upon termination of employment for "without cause" by employer or retirement.
- Paid Time Off and extended illness time per policy based on prorated FTE equivalent.
- You can participate in the hospital employee health and benefit plan.
- You can participate in the hospital 401K plan.

If you have any questions, please do not hesitate to contact me at 509-573-3454. I am very excited to extend this opportunity to you and look forward to having you as a meaningful contributor to our Hospital team.

Sincerely,

Rich Robinson
Chief Executive Officer

I accept the above offer.


Becki Hartwig


Date



110 S. 9th Ave. | Yakima, WA 98902 | 509.575.5000 | www.astria.health

September 5, 2019

ASTRIA REGIONAL MEDICAL CENTER

Rebecca Hartwig
PO Box 1077
Chelan, Washington, 98816

Dear Becki,

We are pleased to offer you new terms of your employment with Astria Regional Medical Center. The following terms will go into effect on September 1, 2019 and upon agreeing by signing this document below:

Compensation: Annual Compensation of \$120,000 per year paid bi-weekly. Worked hours over 40 in a single work week will be paid at customary overtime of \$173.07.

Second Call Compensation: Back up call paid, Monday through Thursday, \$100 per day, Friday \$150 per day, and Saturday, Sunday and Holidays \$300 per day.

Dues/Licenses and Subscriptions: Employer will reimburse within fourteen days (14) upon receipt of reimbursement with appropriate itemized receipts to include, but not limited to state nursing license, APRN license, recertification testing, professional association dues, DEA license, dues for one state and one local medical/nursing association, fees for one national board of medicine/nursing specialty, and up to \$500 per calendar year for books/journals.

Continuing Medical Education (CME): Up to \$2,500 dollars and 5 days annually. Employer will reimburse within 14 days upon receiving appropriate receipts. At the end of each conference, employee will submit certificates and/or credits earned in a timely fashion.

Vacation/Paid Time Off (PTO): 15 days per calendar year in addition to the Federal Holiday by Employer.

Extended Illness Time: Per Employers benefits

Federal Holiday: Per Employers Benefits

Professional liability insurance including tail coverage upon termination of employment for "without cause" by employer or retirement.

401K: Per Employers Benefits

Participation in the hospital's employee health and benefits plan prorated to employee's Full-Time Equivalent (FTE).

Rebecca A. Hartwig

Employee Signature

October 23, 2019

Date

110 S. 9th Ave. | Yakima, WA 98902 | 509.575.5000 |
www.astria.health

10/29/19

A

EXHIBIT # 4A

98-703/1251

DATE

01/03/2020

Non-negotiable

PAY Non-negotiable

TO THE ORDER OF
 REBECCA ANN HARTWIG
 PO BOX 1077
 108A VINEYARD LANE
 CHELAN WA 98816

Astria Regional Medical Center
 Non-negotiable Non-negotiable

EMPLOYEE NO. 000592356 Hartwig, Rebecca Ann Astria Regional Medical Center : Clinic - Anesthesia				SHIFT Default		PAY PERIOD 12/15/2019 - 12/28/2019 Supervisor :		CHECK DATE 01/03/2020		CHECK NO.	
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EARNINGS		Rate	Hr/Unt	Earnings	YTD
On Call Pay FI				\$100.00	\$100.00
OT Premium		\$57.6900	0.25	\$14.42	\$14.42
Overtime		\$115.3800	0.25	\$28.85	\$28.85

EARNINGS		Rate	Hr/Unt	Earnings	YTD
PTO		\$115.3800	8.00	\$923.04	\$923.04
Regular		\$115.3800	32.00	\$3,692.16	\$3,692.16

TAXES	F/S	Ex	D	Taxable Earnings	Additional	Tax Amount	YTD
FICA-SS		0		\$4,530.81		\$280.91	\$280.91
FICA-Med		0		\$4,530.81		\$65.70	\$65.70

TAXES	F/S	Ex	D	Taxable Earnings	Additional	Tax Amount	YTD
Fed W/H		M	0	\$4,530.81	\$100.0000	\$672.24	\$672.24
WA Work Comp		0		\$4,758.47		\$7.09	\$7.09

DEDUCTIONS		Current	Arrears Bal.	YTD
MEDICAL		\$195.75	\$0.00	\$195.75
WA Paid Family Leave		\$11.81	\$0.00	\$11.81
DENTAL		\$23.91	\$0.00	\$23.91
VISION		\$4.32	\$0.00	\$4.32
VOL SUP LIFE		\$10.76	\$0.00	\$10.76
VOL DEPENDENT LIFE		\$5.38	\$0.00	\$5.38
ACCIDENT INSURANCE		\$10.16	\$0.00	\$10.16
HSA		\$25.00	\$0.00	\$25.00
ROTH CONTRIBUTION		\$237.92	\$0.00	\$237.92

P.T.O.		(Hrs)	Carry Ovr.	Earned	Taken	Available
PTO			256.67	126.94	160.00	223.61
EIB			425.01	35.92	0.00	460.93

BENEFITS		Current	YTD
Over 50K Life		\$21.32	\$21.32

BANK ACCOUNT		Deposit Amount
XXXXXXXX4351		\$3,207.52

CURRENT	Hours	Earnings	Taxes	Deductions	Net Pay
Hours	40.50				
Worked Hours	40.25	\$4,758.47	\$1,025.94	\$525.01	\$3,207.52

YTD	YTD Earnings	YTD Taxes	YTD Deductions	YTD Net Pay
	\$4,758.47	\$1,025.94	\$525.01	\$3,207.52

98-703/1251

DATE
01/17/2020

Non-negotiable

PAY Non-negotiable

TO THE
ORDER
OF

REBECCA ANN HARTWIG
PO BOX 1077
108A VINEYARD LANE
CHELAN WA 98816

Astria Regional Medical Center
Non-negotiable Non-negotiable

EMPLOYEE NO. 000592356	SHIFT	PAY PERIOD	CHECK DATE	CHECK NO.
Hartwig, Rebecca Ann	Default	12/29/2019 - 01/11/2020	01/17/2020	
Astria Regional Medical Center : Clinic - Anesthesia		Supervisor :		

EARNINGS	Rate	Hr/Unt	Earnings	YTD
On Call Pay FI			\$300.00	\$400.00
PTO			\$0.00	\$923.04
OT Premium	\$57.6900	2.25	\$129.80	\$144.22

TAXES	F/S	Ex	D	Taxable Earnings	Additional	Tax Amount	YTD
FICA-SS		0		\$5,076.95		\$314.77	\$595.68
FICA-Med		0		\$5,076.95		\$73.61	\$139.31

DEDUCTIONS	Current	Arrears Bal.	YTD
MEDICAL	\$195.75	\$0.00	\$391.50
WA Paid Family Leave	\$0.00	\$0.00	\$11.81
DENTAL	\$23.91	\$0.00	\$47.82
VISION	\$4.32	\$0.00	\$8.64
VOL SUP LIFE	\$10.76	\$0.00	\$21.52
VOL DEPENDENT LIFE	\$5.38	\$0.00	\$10.76
ACCIDENT INSURANCE	\$10.16	\$0.00	\$20.32
HSA	\$25.00	\$0.00	\$50.00
ROTH CONTRIBUTION	\$265.23	\$0.00	\$503.15

P.T.O.	(Hrs)	Carry Ovr.	Earned	Taken	Available
PTO		223.61	6.17	0.00	229.78
EIB		460.93	1.46	0.00	462.39

CURRENT	Hours	Earnings	Taxes	Deductions	Net Pay
Hours	44.50				
Worked Hours	42.25	\$5,304.61	\$1,188.21	\$540.51	\$3,575.89

EARNINGS	Rate	Hr/Unt	Earnings	YTD
Overtime	\$115.3800	2.25	\$259.61	\$288.46
Regular	\$115.3800	40.00	\$4,615.20	\$8,307.36

TAXES	F/S	Ex	D	Taxable Earnings	Additional	Tax Amount	YTD
Fed W/H		M	0	\$5,076.95	\$100.0000	\$792.39	\$1,464.63
WA Work Comp		0		\$5,304.61		\$7.44	\$14.53

BENEFITS	Current	YTD
Over 50K Life	\$21.32	\$42.64

BANK ACCOUNT	Deposit Amount
XXXXXXXX4351	\$3,575.89
XXXXXXXX4103	\$25.00
XXXXXXXX4103	\$23.08

YTD	YTD Earnings	YTD Taxes	YTD Deductions	YTD Net Pay
	\$10,063.08	\$2,214.15	\$1,065.52	\$6,783.41

EXHIBIT #5

98-703/1251

DATE 07/30/2020 AMOUNT NON-NEGOTIABLE

PAY NON-NEGOTIABLE

Astria Regional Medical Center

TO THE ORDER OF REBECCA ANN HARTWIG
PO BOX 1077
108A VINEYARD LANE
CHELAN WA 98816

NON-NEGOTIABLE

AUTHORIZED

EMPLOYEE NO. 000592356	SHIFT Default	CHECK SORT	PAY PERIOD 06/28/2020 - 07/11/2020	CHECK DATE 07/30/2020	CHECK NO.
Hartwig, Rebecca Ann					
Astria Regional Medical Center : Clinic - Anesthesia					

EARNINGS	Rate	Hr/Unt	Earnings	YTD
Overtime			\$0.00	\$288.46
On Call Pay Fl			\$0.00	\$400.00
OT Premium			\$0.00	\$144.22

TAXES	F/S	Ex	D	Taxable Earnings	Additional	Tax Amount	YTD
FICA-SS	0			\$2,144.91		\$132.99	\$730.22
FICA-Med	0			\$2,144.91		\$31.10	\$170.78

DEDUCTIONS	Current	Arrears Bal.	YTD
MEDICAL	\$0.00	\$0.00	\$391.50
WA Paid Family Leave	\$0.00	\$0.00	\$11.81
DENTAL	\$0.00	\$0.00	\$47.82
VISION	\$0.00	\$0.00	\$8.64
VOL SUP LIFE	\$0.00	\$0.00	\$21.52
VOL DEPENDENT LIFE	\$0.00	\$0.00	\$10.76
ACCIDENT INSURANCE	\$0.00	\$0.00	\$20.32
HSA	\$0.00	\$0.00	\$25.00
ROTH CONTRIBUTION	\$0.00	\$0.00	\$503.15

P.T.O.	(Hrs)	Carry Ovr.	Earned	Taken	Available
PTO		229.78	2.72	18.59	213.91
EIB		462.39	0.64	0.00	463.03

CURRENT	Hours	Earnings	Taxes	Deductions	Net Pay
Hours	18.59	\$2,144.91	\$351.36	\$0.00	\$1,793.55
Worked Hours	18.59				

EARNINGS	Rate	Hr/Unt	Earnings	YTD
PTO	\$115.3800	18.59	\$2,144.91	\$3,067.95
Regular			\$0.00	\$8,307.36

TAXES	F/S	Ex	D	Taxable Earnings	Additional	Tax Amount	YTD
Fed W/H	M	0		\$2,144.91	\$100.00	\$187.27	\$1,674.98
WA Work Comp	0			\$0.00		\$0.00	\$14.53

BENEFITS	Current	YTD
Over 50K Life	\$0.00	\$42.64

BANK ACCOUNT	Deposit Amount
XXXXXXXXX4351	\$1,793.55

YTD	YTD Earnings	YTD Taxes	YTD Deductions	YTD Net Pay
	\$12,207.99	\$2,590.51	\$1,040.52	\$8,576.96

Carry over (229.78)
 223.61 + 6.17 + 2.72 = 232.5 - 18.59 = 213.91
 (1-17-20) earned earned taken
 paystub. (1-17-20) 7/30/20 PTO
 paystub.

PTO : Paid time off in hours

DATE	PTO BALANCE	PTO TAKEN
5/10/19	278.70	0
4/26/19	274.83	0
4/12/19	263.14	0
4/12/19	262.52	0
3/29/19	256.67	0
3/15/19	250.44	0
3/01/19	244.148	0
2/15/19	238.32	0
2/01/19	231.95	0
1/18/19	225.98	8 hours
1/04/19	227.97	8 hours
12/21/18	230.07	0
12/07/18	223.92	40 hours
11/23/18	218.10	0
11/09/18	211.18	0

		56 HOURS TOTAL PTO USED

Please note:

Astria Health (the debtor) changed Payroll providers effective 4/12/19 paycheck. Two checks were issued that pay period due to issuer error; one with regular time paid and one with call and overtime compensation paid. The previous payroll company Ultipro is no longer accessible to Astria employees , who no longer have log in access to information. Payroll statements 11/09/18 to 12/07/18 were not available to this creditor, but PTO accrued time was recorded in the creditor's personal log. Calculations of the PTO balance and time taken were recorded to the best of the creditor's ability.

The above calculations were based on the PTO balance 180 days prior to the bankruptcy filed 5/6/19 .

PTO balance 11/09/18 = 211.18 closest pay period 180 days prior to filing
 -56.00 PTO used 11/09/19-5/10/19

155.08 PTO owed @ \$83.0692 /hour = \$12,882

PTO Astria from 5/6/19 forward to closing 1/17/20

Date	CARRY OVER	EARNED	TAKEN	AVAILABLE	TOTAL TAKEN
1/17/20	223.61	6.17	0	229.78	160
1/03/20	256.67	126.06	8	223.61	
12/20/19	256.67	121.06		225.73	152
12/06/19	256.67	121.06	16	219.51	
11/22/19	256.67	109	40	229.61	136
11/08/19	256.67	97.81	0	257.98	96
10/25/19	256.67	91.02	24	251.69	
10/11/19	256.67	85.18	40	269.85	72
9/27/19	256.67	79.33	0	304	32
9/13/19	256.67	77.32	8	301.99	32
8/30/19	256.67	71.33	0	304	24
8/16/19	256.67	67.02	16	299.69	24
08/02/19	256.67	55.33	0	304	8
7/19/19	256.67	55.33	0	304	8
7/05/19	256.67	55.83	0	304	8
6/21/19	256.67	49.89	0	298.56	8
6/07/19	256.67	35.89	0	284.56	8
5/24/19	256.67	30.05	8	278.72	8
5/10/19	256.67	278.70	0	278.70	0



Astria is in a position to now be able to pay certain portions of your paid time off ("PTO") in accordance with the Astria policies and bankruptcy law, and are doing so now. The Bankruptcy Code allows us to pay all earned and unused PTO earned after May 6, 2019 in full, which we are doing. In addition, the Bankruptcy Code also allows us to pay unused PTO earned from November 7, 2018 to May 5, 2019, subject to certain limits.

The funds recently deposited into your bank account represent these amounts, less payroll deductions as indicated on the attached sheet. Please recognize that unused PTO earned prior to November 7, 2018 remains in place as a general unsecured claim in the bankruptcy case and will be treated in accordance with bankruptcy law and any confirmed bankruptcy plan.