

# **ADDENDUM B**

ISSUES PROPOSED TO BE RAISED ON APPEAL

1. Does a waiver of the time requirements for filing for disability retirement benefits under state law constitute a reasonable accommodation under the Americans with Disabilities Act?

2. Does Title II of the Americans with Disabilities Act cover employment claims filed against a local government?

APPLICABLE APPELATE STANDARDS OF REVIEW

1. The standard of review governing the first issue is *de novo* as it involves a determination of a motion to dismiss on Eleventh Amendment grounds. See *State Emples. Bargaining Agent Coalition v. Rowland*, 494 F.3d 71, 95 (2d Cir. 2007). The standard of review governing the second issue is also *de novo* as it involves a review of a granting of a motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(6). See *Matson v. Bd. of Educ. Of the City Sch. Dist. of N.Y.*, 631 F.3d 57, 63 (2d Cir. 2011).