

**COURT OF APPEALS
DECISION
DATED AND FILED**

April 9, 2002

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 01-1970
STATE OF WISCONSIN**

Cir. Ct. No. 00-CV-4004

**IN COURT OF APPEALS
DISTRICT I**

**JAMES BRUNO, JAMES SCHINDLER, EDGAR WESLING,
FRED ANTONICH, WILLIAM J. BEAM, LYLE H. BONNIN,
GEORGE A. BOWMAN, MARTHA CLARK, ROSARIO
CONSIGLIO, ROBERT G. FRANCIS, JOHN GLOWACKI,
HERBERT A. GOETSCH, DOROTHY HAYNES, KENNETH
HENRICS, GEORGE KOZIK, PEARL KULINSKI, MARY
LANDIS, WILLIAM MOSER, VIRGINIA E. O'CONNELL,
WILLIAM O. POLLEY, ROSEMARY PULITO, CHESTER
SOBUSH, WILLIAM STEAD, SHIRLEY WHITTOW, AND
BERNARD WOOD,**

PLAINTIFFS-APPELLANTS,

v.

**MILWAUKEE COUNTY, MILWAUKEE COUNTY EMPLOYEES
RETIREMENT SYSTEM, AND MILWAUKEE COUNTY PENSION
BOARD,**

DEFENDANTS-RESPONDENTS.

APPEAL from a judgment of the circuit court for Milwaukee
County: DAVID A. HANSHER, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. Twenty-five former Milwaukee County employees appeal a declaratory judgment concluding that they are not entitled to additional pension service credit due to their pre-employment military service under § 201.24(2.10) of the Milwaukee County Code. The ordinance applies to “all retirees who retired from the county before July 1, 1985” Each of the plaintiff employees or their surviving spouses left their jobs with the county before July 1, 1985, but were not old enough to qualify for county pensions at the time. We agree with the trial court that the ordinance is not ambiguous and does not apply to the plaintiffs.

¶2 Construction of the ordinance is a question of law that we decide without deference to the trial court. See *County of Adams v. Romeo*, 191 Wis. 2d 379, 383, 528 N.W.2d 418 (1995). The ultimate goal is to determine the intent of the rule-making body. See *Rolo v. Goers*, 174 Wis. 2d 209, 215, 497 N.W.2d 724 (1993). We look at the common sense meaning and purpose of the words employed. *Ann M.M. v. Rob S.*, 176 Wis. 2d 673, 679, 500 N.W.2d 649 (1993). If the language of the ordinance is plain and unambiguous, we will apply that language to the facts at hand and will not look beyond that language to ascertain the ordinance’s meaning. *Schroeder v. Dane County Board of Adjustment*, 228 Wis. 2d 324, 333, 569 N.W.2d 472 (Ct. App. 1999).

¶3 The former employees contend that the ordinance applies to them because they or their deceased spouses retired before July 1, 1985. The plain language of the ordinance does not make it applicable to all individuals who left county employment before that date. Rather, it is limited to “all retirees who retired from the county before that date.” The former employee’s construction of

the ordinance would ignore or change the plain meaning of the word “retired” or would omit the phrase “from the county.” A county employee does not “retire” merely because he or she has stopped working for the county. “Retirement” is defined in the ordinance as “termination of employment after a member has fulfilled all requirements for a pension.” See § 201.24(2.19) M.C.G.O. That definition is consistent with the common usage of the word. See WEBSTER’S THIRD NEW INT’L DICTIONARY (Unabr. 1998) pg. 1939. An employee retires “from the county” only if he or she was working for the county immediately before retirement. None of the plaintiffs “retired from the county” because each of them terminated employment before fulfilling the pension requirements.

By the Court.—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

