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ISSUE 14 · INSIGHTS FOR MODERN BUSINESS

THE TIDES
NOVEMBER 2026

FEATURED · CALIFORNIA EMPLOYMENT LAW — HANDBOOKS, POLICIES & AI



FROM THE SHORE *Some things are worth putting in writing before the sun goes down.*

EMPLOYMENT LAW

Why Do You Need a Current Employee Handbook *and Policies?*

Because a handbook is a legal document — one that protects employees and, when you follow it, can shield you from liability.

TAMARA L. HARPER, J.D., AEP® • 6 MIN READ • EMPLOYMENT · COMPLIANCE

A well-written handbook can help an employer **demonstrate compliance** with California's complex employment laws — and defend itself when a claim is filed.

A prudent employer will prepare and distribute an employee handbook. It provides clarity to employees regarding your policies and expectations. The absence of a formal handbook or policy manual — or a poorly drafted one — puts you at a **disadvantage to defend yourself** should you face a lawsuit.

AT A GLANCE

What this issue covers

01 **Templates vs. counsel** — Why a template falls short in California.

02 **Your AI policy** — The most important update you can make right now.

03 **Finding the balance** — Too rigid, too vague — and how to get it right.

04 **A legal shield** — How the handbook defends against implied-contract claims.

05 **Building it right** — Six steps every employer should take.

06 **Free CalChamber charts** — Laws, ordinances, and a payroll self-audit checklist.

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TEMPLATES VS. COUNSEL

Why a template is not a handbook

	AI, SOFTWARE & PEO TEMPLATES	CUSTOM, ATTORNEY-DRAFTED
APPROACH	Standardized templates designed to mitigate risk across hundreds of different companies; AI versions are boilerplate and voluminous.	Tailored specifically to your state, industry, and company culture.
CALIFORNIA LAW	Rarely satisfies nuanced state or local requirements, such as California's strict rules.	Drafted to California, federal, and local ordinance requirements.
CONTROL	Drawbacks in control, legal ambiguity, and cultural fit; HR platforms and handbook software are costly for a small employer.	Your policies, in your words, reviewed and updated with counsel.

> *It's rare that I've found a PEO's template actually satisfies nuanced state or local employment laws — and unfortunately, I've found this out during litigation, when it is too late.*
>
> TAMARA L. HARPER, J.D., AEP®

OF PARTICULAR IMPORTANCE NOW

An Artificial Intelligence Tool Use policy

One of the most important updates you can make right now is an **AI Tool Use policy** addressing employee use of artificial intelligence applications and tools in the workplace. It should be unique to your company, well thought through, and released to employees together with **training** and well-established parameters. We have been creating these policies for our clients all year. Start with our first issue of The Tides: **Is Your AI Policy Keeping You Up at Night?**

FINDING THE BALANCE

Too rigid, or too vague, and the handbook works against you

TOO SPECIFIC

Rigid policies

Limit your own discretion

Policies that are too specific and rigid can limit an employer's discretion and flexibility in dealing with the wide variety of circumstances that occur in the workplace.

TOO GENERAL

Vague policies

Make accountability difficult

Policies that are too general make it difficult for employers to hold employees accountable for their actions and behavior. CalChamber's HRCalifornia white paper, **"Employee Handbooks: A Workplace Essential,"** is a helpful guide to the balance.

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> *The absence of a handbook — or a poorly drafted one — puts you at a disadvantage the moment a lawsuit is filed.*
>
> TAMARA L. HARPER, J.D., AEP®

THE LEGAL SHIELD

A handbook is a legal document — treat it like one

Creating and maintaining an employee handbook benefits both employers and employees. It communicates important information about the company and its practices, and sets clear expectations and standards that employees must comply with.

IN LITIGATION

Defending a claim of termination in violation of an implied contract

The handbook is used to defend a lawsuit claiming termination in violation of an implied contract of employment, by referencing the **employment at-will** and **termination at any time** policies. That defense depends on the employer having adopted — and followed — its own handbook.

BUILDING IT RIGHT

Six steps every employer should take

Numerous federal, state, and even local laws affect the policies and procedures a handbook must include. These laws are complex.

01 **Define who is covered** by the handbook.

02 **Review existing policies** and practices.

03 **Include relevant topics** for your company and workforce.

04 **Draft consistent, understandable,** and legally permissible employment policies.

05 **Review with management** prior to implementation to obtain feedback.

06 **Submit to experienced labor law counsel** for review — or have counsel prepare it.

Employee handbooks are not one-size-fits-all or boilerplate. Certain policies are mandatory; others are recommended and depend on your company's needs, employee count, and geographic location — of both the company and its employees, **including remote workers**. Revise the handbook when provisions have not worked well, when business practices change, and to keep pace with constant changes in federal, state, and local employment law.

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FREE RESOURCE · AT NO CHARGE

Request your CalChamber charts

Contact me and I will provide these CalChamber charts for you to print and use.

- ☑ **Laws That Apply to Your Organization**
  A quick reference for which employment laws reach your business.
- ☑ **Updated Local Minimum Wage, Paid Sick Leave & Employment Ordinances**
  Advise your payroll staff of the next minimum wage increase, effective **January 1, 2027**.
- ☑ **Wage & Hour Payroll Audit Checklist for CA Employers**
  Perform your own self-audit of your wage and hour practices.



YEAR-ROUND COMPLIANCE

Does your handbook hold up in California?

We help with creating and updating handbooks, local ordinance guides and interactive tools — exempt status evaluator, leave of absence navigator — self-audit checklists, and employment forms and HR resources.

REQUEST FREE CHARTS →

SCHEDULE A REVIEW →

CALL 805-409-0530 ↗

RESOURCES & CONTACT

→ Employee Handbooks: A Workplace Essential
CalChamber HRCalifornia white paper

→ 805-409-0530
Virtual or in-office appointments

→ 141 Duesenberg Drive, Suite 7B
Westlake Village, CA 91362

My goal is to keep you informed, updated, and knowledgeable so you can stay ahead of litigation — which saves time and money and protects you from future legal exposure. A handbook that complies with California and federal law is one of the best ways to ensure fair, consistent treatment of employees.

This article is provided for general informational purposes and does not constitute legal advice. Employment law obligations vary by employer size, industry, and location and are subject to change. Tamara L. Harper is a proud member of the Conejo Valley Estate Planning Council and WealthCounsel, and holds the AEP® accreditation with the National Association of Estate Planners and Councils.

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