Who's at the Bottom of the Hiring List? Exploring the Compounding Effects of Applicant Race and Offense History on Employability

Meera Patel

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WHO’S AT THE BOTTOM OF THE HIRING LIST?
EXPLORING THE COMPOUNDING EFFECTS OF APPLICANT RACE AND OFFENSE HISTORY ON EMPLOYABILITY

by

Meera Patel

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Abstract

Justice-involved persons, especially people of color and those convicted of a sexual offense, experience bias and other barriers when seeking employment. However, there is no research on the synergistic effects of race and sexual criminal offense on employment-related outcomes. This study examined whether a hypothetical job applicant’s race (Black vs. White) and/or sexual criminal offense history (sexual, non-sexual, or no history) impacted hiring decisions and related employment-related outcomes among 476 volunteers recruited from Amazon Mechanical Turk. Participants were randomly assigned to one of six conditions in which they read mock job application materials that varied based on the applicant’s identified race and criminal history.

Results revealed no significant main effects of applicant race and no interaction between applicant race and offense history across all employment-related outcomes. However, participants were least likely to endorse hiring the applicant and desired greater social distance (a measure of stigmatizing attitudes) from the applicant if he had a prior sexual offense, even though participants expected him to perform similarly at the job relative to applicants described as having a non-sexual offense. This finding suggests applicants with a known sexual offense history may be more frequently passed up for jobs than other justice-involved applicants for reasons unrelated to the job itself.

Keywords: employment, sexual offense, social distance, work-related behavior, racial bias
# Table of Contents

Introduction .............................................................................................................. 1  
Consequences of Unemployment .............................................................................. 2  
Employment Barriers ............................................................................................... 3  
   Criminal Offense Bias ......................................................................................... 3  
   Racial Bias and Its Intersection with Offense Type ............................................. 5  
Purpose of Study ...................................................................................................... 6  
Methods ..................................................................................................................... 7  
Participants ............................................................................................................... 7  
Measures .................................................................................................................. 9  
   Likelihood of Hire Item ....................................................................................... 9  
   Generic Work Behavior Questionnaire ............................................................... 9  
   Social Distance Scale .......................................................................................... 10  
   Modern Racism Scale .......................................................................................... 11  
   Marlowe-Crowne Social Desirability Scale ......................................................... 11  
   Manipulation and Attentional Checks ................................................................... 12  
Procedure ................................................................................................................... 12  
Results ..................................................................................................................... 13  
   Analytic Approach .............................................................................................. 13  
   Data Screening and Preparation .......................................................................... 14  
   Preliminary Analyses ........................................................................................... 15  
   Primary Analyses .................................................................................................. 15  
      Perceptions and Expectations of the Hypothetical Job Applicant .................... 15  
      Effect of Racially Biased Attitudes .................................................................. 18  
Exploratory Analyses ............................................................................................... 18  
   Participant Race .................................................................................................... 18  
   Political Affiliation ............................................................................................... 19  
Discussion ............................................................................................................... 19  
   Implications and Potential Solutions ................................................................... 22  
   Limitations ........................................................................................................... 24  
   Future Research Directions .................................................................................. 25  
   Conclusion ............................................................................................................. 26  
References ............................................................................................................... 27  
APPENDIX A- Hypothetical Job Applicants Vignettes ........................................... 38  
APPENDIX B- Mock Job Application ...................................................................... 39
Introduction

Over 6.4 million adults are estimated to be incarcerated or under community supervision in the U. S. (Maruschak & Minton, 2020). Among this population, many were convicted following a sexual offense, and an estimated 752,000 people are listed on national sex offender registries (Safe Home, 2020). Sexual offenses are seen as particularly heinous (Kury et al., 2009; Rogers, 2011). As such, people convicted of sexual offenses experience bias and discrimination in a variety of settings, including employment (Brown et al., 2007; Schaefer, 2004). The inability to find or maintain legitimate employment is one of several factors that are highly predictive of a criminal lifestyle (see Bonta & Andrews, 2007). Further, job attainment is one of the most frequently mandated requirements for community supervised individuals, including those on sex offender registries (McDonough & Burrell, 2008).

Black men are also disproportionately represented in the criminal justice system broadly (Pager, 2003; Ventura et al., 1998) and on state sex offender registries (Ackerman & Sacks, 2018). Because Black people are mandated to register at higher rates than White people despite not committing more serious sexual offenses and because these registries are public information (U.S. Department of Justice, 2018), there is a higher likelihood that a Black person convicted of a sexual offense will be discriminated against relative to a White person convicted of a sexual offense. Although studies have examined bias experienced by those with sexual offense histories and by Black men, studies have not yet examined the compounded impact of race and offense type on employment decisions and related outcomes. It is important to understand how these factors together may make it more difficult for these individuals to live successfully in the community.
Consequences of Unemployment

Many individuals with a criminal history are required to obtain employment as a part of their community supervision (McDonough & Burrell, 2008), and failing to do so can make communities more susceptible to criminal activity and other societal costs (Aaltonen et al., 2013; Fallahi & Rodriguez, 2014). It can also be difficult for the criminal justice system to keep up with the number of individuals being incarcerated and released and whether they are adhering to community supervision requirements such as employment (Brown, 2011). The inability to secure employment can lead to sanctions or re-incarceration, costing taxpayers. In fact, it is estimated that incarcerating someone costs approximately eight times more than keeping them on community supervision (United States Courts, 2017).

Beyond these societal burdens, unemployment has obvious consequences at the individual level, including creating economic barriers and challenges to the successful completion of community supervision. Unemployment, unstable employment, or illegitimate work can also indirectly increase the amount of unstructured time in one’s schedule; unproductive leisure time has been identified as another key predictor of continued criminal activity (Bonta & Andrews, 2007). Unemployment can have deleterious effects on mental and physical health as well. Research suggests that unemployed individuals with a criminal history have higher rates of mood disorders, anxiety disorders, and comorbid conditions compared to employed individuals with a criminal history (Lee & Lee, 2018). Unfortunately, people returning from incarceration or otherwise involved in the justice system are often ill-equipped to find employment because of multiple barriers, including the lack of guidance and resources carceral settings offer as well as individual factors like unstable or limited work histories, lack of vocational interests, and intellectual or educational deficits (e.g., illiteracy). These barriers are
complicated by factors related to their specific convicted offense.

**Employment Barriers**

**Criminal Offense Bias**

Perhaps unsurprisingly, individuals with a criminal record are less likely to be hired than those without a record (Varghese et al., 2010), and people with prior violent offenses are at a greater disadvantage than those with prior non-violent offenses (Cerda et al., 2015). Many individuals with a criminal offense may have difficulty securing employment because of actual or perceived deficits in expected work behaviors (e.g., competence, social skills, job skills, dependability, self-confidence, punctuality; Ju et al., 2012; Obatusin & Ritter-Williams, 2019). Individuals with a criminal record who have stronger work histories are more likely to obtain employment than those with limited work histories (Visher et al., 2011).

Prior sexual offense convictions are particularly difficult for job applicants to overcome, as the public tends to believe individuals with sexual offenses deserve punishment more than rehabilitation compared to individuals with non-sexual offenses (Kury et al., 2009; Rogers, 2011). These attitudes increase the likelihood that people with sexual offense histories will face additional adversities (e.g., limited employment opportunities) when attempting to secure employment. In one study assessing public perceptions, most participants believed individuals with a sex offense did not deserve employment support post-release (Brown et al., 2007). Some research has shown that White people and those with more conservative political ideologies and greater religiosity are generally less favorable towards individuals with sex offenses (Harris & Cudmore, 2018; Mancini et al., 2010). To explain why people are more unforgiving of sexual offending, Rogers (2011) theorized that sexual offenses are seen as causing more harm to victims than violent non-sexual offenses, thus justifying harsher legal outcomes and less rehabilitation.
Serious sexual offenses (e.g., rape), sexual crimes against children, and crimes involving male or older perpetrators were associated with longer prison sentences and harsher sex offender registration requirements than other types of offenses (King, 2015).

Employers are often reluctant or refuse to hire applicants with known sexual offense histories (Brown et al., 2007; Schaefer, 2004), often citing perceived safety concerns rather than moral reasons (Brown et al., 2007). Although some degree of concern for the safety of other employees and customers is warranted, individuals convicted of sexual crimes are less likely to re-offend relative to individuals convicted of other offenses (Alper & Durose, 2019; Przybylski, 2015). The Office of Sex Offender Sentencing, Monitoring, and Apprehending (SMART; 2017), for example, estimated that individuals with a sexual offense have a 5% to 24% likelihood of reoffending within 15 years of committing their original offense. Although estimates vary by study, year, and jurisdiction, this pattern of lower recidivism compared to other offense types is consistent. For individuals with a sexual conviction who were able to find work, they were often hired at a lower salary relative to their previous employment (Brown et al., 2007).

Social distance (i.e., social contact and closeness) might be another possible explanation for differences in hiring decisions by offense type. Social distance in this case refers to how much distance a person wants to maintain from someone who holds a socially unfavorable characteristic or status. The construct of social distance has been negatively associated with someone’s willingness to hire an individual with a criminal record (Snider & Reysen, 2014). One study found people desire more social distance from individuals convicted of a violent than a non-violent crime (Edwards & Mottarella, 2014). Moreover, research reveals that people want more social distance from individuals convicted of a sexual offense compared to other offenses.
Examining the desire for social distance in the context of employment may help uncover the underlying biases that influence employment outcomes.

**Racial Bias and Its Intersection with Offense Type**

Racial bias, regardless of offense history, can also infringe on an applicant’s likelihood of obtaining employment. Black job applicants are less likely to be offered an interview or hired because employers perceive them to have lower job suitability, work-related skills, and educational qualifications compared to White applicants (Biernat & Kobrynowicz, 1997; Derous et al., 2017; Lahey & Oxley, 2018). Employers also tend to view their interviews with White applicants as stronger than their interviews with Black applicants who have applied for the same position (Frazer & Wiersma, 2001; Huffcutt & Roth, 1998). A job applicant’s name alone can provoke racial discrimination, as evidenced by Bertrand and Mullainathan’s (2004) study in which job applicants with an African American sounding name (Jamal) received 50% fewer interview callbacks compared to applicants with a White-sounding name (Greg). Discriminatory hiring practices were found regardless of whether participants endorsed being an “Equal Opportunity Employer.” Employers’ race may moderate the likelihood of hire for Black applicants. For instance, in examining hiring statistics of several major metro cities (Atlanta, Boston, Detroit, and Los Angles), Black hiring agents were more likely to hire Black applicants than White hiring agents (Stoll et al., 2004). However, Black hiring agents also received more applications from Black applicants compared to their White counterparts. Continuing to evaluate the impacts of racial bias in the hiring process may inform practical solutions to mitigate racial discrimination regardless of who is making the hiring decision.

Research clearly shows that an individual’s race influences employability, which creates a compounding barrier for Black applicants with a criminal offense (Varghese, 2010). For
instance, Black Americans with and without a criminal background are less likely to be hired when seeking employment compared to White individuals previously incarcerated (Berg, 2020; Pager, 2003). Although more personal contact with a potential employer significantly improves the likelihood of hire, Black applicants with a criminal history are less likely to receive an interview than White applicants with a criminal history (Pager et al., 2009; Vuolo et al., 2017), decreasing the opportunity to demonstrate interpersonal skills or address concerns related to their criminal status. Similarly, Mobasseri (2019) found that Black job applicants with a criminal record received fewer callbacks for interviews than White and Hispanic job applicants with a criminal record. This body of literature suggests an unemployment crisis for Black individuals convicted of a criminal offense.

**Purpose of the Current Study**

It is evident that many people returning to the workforce after incarceration, especially Black people and those convicted of a sexual offense, experience significant bias when searching for employment (Berg et al., 2020; Brown et al., 2007; Pager, 2003; Schaefer, 2004; Varghese, 2010). Currently, there is a paucity of research focusing on employment for individuals convicted of a sexual offense and virtually no studies evaluating the possible compounding effects of race and sexual criminal offense on employment. Thus, the present study extends our understanding about the synergistic effects of race (White, Black) and offense type (sexual, non-sexual, no offense) on employment-related outcomes (i.e., likelihood of hire, perceived work-related behaviors) and underlying stigmatizing attitudes that may drive perceptions of employability (i.e., desire for social distance). Using a hypothetical set of case vignettes, several primary hypotheses were expected. When not accounting for racial identity, job applicants with no criminal history would be viewed most favorably across all outcomes ($H_1$) while applicants
with a sexual offense history would be viewed least favorably ($H_2$). When not accounting for criminal history, White applicants would be viewed more favorably across all outcomes than Black applicants ($H_3$). We expected an interaction between criminal history and identified race such that the Black applicant with a sexual offense history would be the least likely to be hired overall and rated least favorably across all other outcomes, while the White applicant with no criminal history would be viewed most favorably overall ($H_4$). Finally, participants with higher levels of self-reported racial bias were expected to endorse more negative attitudes toward the hypothetical job applicants on all outcomes, regardless of the applicant’s race or offense history ($H_5$).

**Methods**

**Participants**

This study used a 2 (race: Black, White) × 3 (criminal history: no offense, non-sexual offense, sex offense) between-subjects experimental design. A total of 553 participants were recruited via Amazon Mechanical Turk (MTurk). Eligible participants were 18 years of age or older, residents within the United States, and English speakers. Participants’ mean age was 37.97 ($SD= 11.05$). Most participants were male (60.3%) and White (66%). Demographic variables for the final total sample size of 476 are reported in Table 1.
<table>
<thead>
<tr>
<th>Respondents Characteristics</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>287</td>
<td>60.3</td>
</tr>
<tr>
<td>Female</td>
<td>189</td>
<td>39.7</td>
</tr>
<tr>
<td><strong>Race/Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle Eastern American</td>
<td>1</td>
<td>0.2</td>
</tr>
<tr>
<td>African American or Black</td>
<td>41</td>
<td>8.6</td>
</tr>
<tr>
<td>Asian American</td>
<td>34</td>
<td>7.1</td>
</tr>
<tr>
<td>European American/Caucasian</td>
<td>314</td>
<td>66.0</td>
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<tr>
<td>Native American</td>
<td>47</td>
<td>9.9</td>
</tr>
<tr>
<td>Hispanic or Latino American</td>
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<td>5.3</td>
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<tr>
<td>Pacific Islander American</td>
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<td>0.6</td>
</tr>
<tr>
<td>Other</td>
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<td>2.3</td>
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<tr>
<td><strong>Education</strong></td>
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<tr>
<td>No degree earned</td>
<td>2</td>
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</tr>
<tr>
<td>High school diploma or equivalent</td>
<td>73</td>
<td>15.3</td>
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<tr>
<td>Vocational Certifications</td>
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<td>2.5</td>
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<tr>
<td>Associate's degree</td>
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<td>9.2</td>
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<tr>
<td>Bachelor's degree</td>
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<tr>
<td>Master's degree</td>
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<td>0.6</td>
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<tr>
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<td><strong>Political Affiliation</strong></td>
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<tr>
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<tr>
<td>Independent</td>
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<tr>
<td>Libertarian</td>
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<td>1.5</td>
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<tr>
<td>Other</td>
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<tr>
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<td>1.1</td>
</tr>
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<td><strong>Employment</strong></td>
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<tr>
<td>Working – Full time</td>
<td>407</td>
<td>85.5</td>
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<tr>
<td>Working - Part Time</td>
<td>36</td>
<td>7.6</td>
</tr>
<tr>
<td>Unemployed</td>
<td>9</td>
<td>1.9</td>
</tr>
<tr>
<td><strong>Years in the Workforce</strong></td>
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<td></td>
</tr>
<tr>
<td>Less than 6 months</td>
<td>7</td>
<td>1.5</td>
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<tr>
<td>6 months-1 year</td>
<td>15</td>
<td>3.2</td>
</tr>
<tr>
<td></td>
<td>1-3 Years</td>
<td>3-5 Years</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>47</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td>9.9</td>
<td>14.5</td>
</tr>
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</table>

**Current hiring decisions**

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<th></th>
<th>Yes</th>
<th>No</th>
<th>Not Sure</th>
</tr>
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<tbody>
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<td></td>
<td>346</td>
<td>126</td>
<td>4</td>
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<tr>
<td></td>
<td>72.7</td>
<td>26.5</td>
<td>0.8</td>
</tr>
</tbody>
</table>

**Future hiring decisions**

<table>
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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>307</td>
<td>78</td>
<td>91</td>
</tr>
<tr>
<td></td>
<td>64.5</td>
<td>16.4</td>
<td>19.1</td>
</tr>
</tbody>
</table>

**Measures**

*Likelihood of Hire Item*

In one experimenter-developed item, participants were asked to assume the role of an employer and rate how likely they would be to hire the hypothetical job applicant on a 7-point Likert-type scale ranging from 1 (“Not all Likely”) to 7 (“Very Likely”) based on the information provided to them in the application and job interview stimulus materials.

*Generic Work Behavior Questionnaire*

The Generic Work Behavior Questionnaire (GWBQ; Michon et al., 2004a; Michon et al., 2004b) was originally developed as a self-report and supervisor-observed tool to rate work behaviors among individuals with mental illness who were engaged in psychiatric vocational rehabilitation. However, the GWBQ has been modified for hypothetical scenarios to gauge anticipated work performance of job applicants with a criminal history (see Batastini et al., 2014, 2017). The 18-item GWBQ includes four subscales that measure task competence, initiative/self-confidence, dependability, and social work behavior. Questions are rated on a continuum from 1-5. Sample items include “Take many breaks or work continuously” and “Always follow the rules
or often disobey the rules.” When used to estimate work performance, GWBQ total scores were reversed so higher total scores indicate more favorable perceptions about the individual as a potential employee. Total scores were calculated by summing the scores for this instrument, with items 2, 4, 5, 9, 12, 15, and 17 being reverse scored. Batastini et al. (2017) and Bourassa (2018) reported good internal consistency for the GWBQ with an adult employer sample (α = 0.94) and among the general population (α = 0.97), respectively. Internal consistency for the present study was strong (Cronbach’s α = .93).

**Social Distance Scale**

The Social Distance Scale (SDS; Link et al., 1987) is used to assess how much social distance (social contact and closeness) an individual wants from another individual, typically someone from a marginalized group. The scale was originally developed to examine perceptions towards people with mental illness (Corrigan et al., 2001). Modeled after Batastini et al. (2014, 2017), the items were modified to inquire about hypothetical job applicants with or without a criminal history, rather than a person with mental illness. Respondents rated the amount of desired social distance from the job applicant using a 3-point response option, from 0 (“definitely unwilling”) to 3 (“definitely willing”) across seven items (Penn at al., 1994). Modified sample items are: “How willing would you be to work on the same job as this applicant?” and “How willing would you be to have someone like this applicant as a neighbor?” SDS total scores were reversed so higher total scores indicate more desired social distance. SDS total scores were calculated by summing the scores for the 8 items. SDS scores have demonstrated strong construct validity (Link et al., 1987) and internal consistency (α = .91; Batastini et al., 2017). Internal consistency for the present study was good (Cronbach’s α = .86).
Modern Racism Scale

The Modern Racism Scale (MRS; McConahay et al., 1981) is a 7-item self-report measure used to assess explicit racial attitudes and biases. Research reveals that explicit measures are just as effective at measuring implicit biases as non-explicit measures (Axt, 2017). Respondents reported racial attitudes using a 5-point Likert scale from 2 (“Agree Strongly”) to -2 (“Disagree Strongly”), with higher total scores signifying greater racial bias. MRS total scores were calculated by adding scores from the 7-items together. Sample items include “Blacks should not push themselves where they are not wanted” and “Discrimination against Black people is no longer a problem in the United States.” Test-retest reliability for MRS total scores appears good ($r = .93$; McConahay et al., 1981). Internal consistency for the present study was good (Cronbach’s $\alpha = .85$).

Marlowe-Crowne Social Desirability Scale

Because the study is assessing several outcomes for which participants may be likely to respond in a socially desirable manner (i.e., racial bias, social distance), a valid social desirability scale was administered. The Marlowe-Crowne Social Desirability Scale (MCSDS; Crowne & Marlowe, 1960) is a 33-item, true/false instrument used to measure whether participants are likely engaging in a socially desirable response style. Total scores were calculated by summing the scores for this instrument. Total scores between 0 and 8 suggest undesirable or truthful responses, scores between 9 and 19 suggest moderate socially desirable responding, and scores between 20 and 33 suggest socially desirable responding and concern for social norms (Crowne & Marlowe, 1960). Sample items include “I can remember playing sick to get out of something” and “I always try to practice what I teach.” The scale has good internal consistency and a test-retest reliability with various undergraduate and adult samples (Crowne & Marlowe, 1960; Loo
& Thorpe, 2000; Loo & Lowen, 2004; Ventimiglia et al., 2012; Tatman et al., 2009). Internal consistency for the present study was good (Cronbach’s $\alpha = .86$).

**Manipulation and Attentional Checks**

Manipulation and attention checks were implemented to ensure the primary study manipulation was successful and that participants were adequately attentive to the stimulus material. Specifically, the following multiple-choice items were asked: (1) “Which of the following criminal offenses has the applicant been convicted of?” and (2) “What was the applicant’s identified race?” Participants who missed a validity check item were removed from the analyses.

**Procedure**

Study materials (informed consent, vignettes, measures) were administered via Qualtrics Research Suite. To explore hiring decisions and related factors, participants were randomly assigned to one of six condition-specific vignettes partially adapted from Rogers and Ferguson (2011) and Batastini et al. (2014; 2017): 1) Black applicant with no criminal history, (2) Black applicant convicted of battery, (3) Black applicant convicted of sexual battery, (4) White applicant with no criminal history, (5) White applicant convicted of battery, and (6) White applicant convicted of sexual battery. Because most individuals with a criminal history are men and to keep gender consistent across conditions, all vignettes described a hypothetical adult male job applicant. Based on Bertrand and Mullainathan (2004), “Jamal” was used for the Black applicant’s name and “Greg” was used for the White applicant. A mock application for a construction worker position was selected because these jobs do not inherently restrict employment for individuals on sex offender registrations. The criminal offenses of battery and sexual battery were selected for this study because both involve unlawful physical contact and
can be considered felonies (e.g., Assault, Battery, Culpable Negligence; 2015 Tennessee Code; Louisiana State Legislature). However, sexual battery involves unwanted physical contact with an intimate body part, whereas battery is non-sexual unwanted forceful or violent physical contact. Furthermore, and likely for these reasons, vignettes used in Rogers and Ferguson's (2011) also compared these two offense types in examining difference between sexual and non-sexual offending behaviors. The vignettes used in the present study were identical except for variables related to the study’s manipulation (i.e., the applicant’s race and offense history; See Appendix A). Accompanying each vignette was a mock job application form (See Appendix B) and notes from an interview with the applicant (See Appendix A), which participants were instructed to review. The mock job application described previous work history, education, references, criminal history, and basic demographic information including the applicant’s name and race. To help ensure the application materials were attended to, participants were informed they could not proceed to the next portion of the study until 1 minute elapsed.

After exposure to study stimuli, participants were asked to complete the following instruments: an experimenter-derived question about hiring likelihood, the Generic Work Behavior Questionnaire, and Social Distance Scale, the Modern Racism Scale, the Marlowe-Crowne Social Desirability Scale, and a demographic questionnaire. The MCSDS was used primarily for descriptive and exploratory purposes. All measures, except the demographic form, were counterbalanced to reduce order effects.

Results

Analytical Approach

A multivariate analysis of covariance (MANCOVA) was planned to test all primary hypotheses with the applicant’s offense history (sexual, non-sexual, or none) and identified race
(Black, White) as independent variables, likelihood of hire, SDS total scores, and GWBQ total scores as the combined dependent variable, and MRS total scores and MCSDS total scores entered as the covariates. For MANOVA, it has been suggested that individual dependent variables should be correlated at around .60 (Tabachnick & Fidell, 2013). SDS total scores and likelihood of hire ratings were moderately negatively correlated \(r = -.66, p < .001\). However, the correlation between GWBQ total scores and both the SDS total scores \(r = -.37, p < .001\) and likelihood of hire ratings \(r = .54, p < .001\) were below this threshold. Therefore, an analysis of covariance (ANCOVA) was conducted separately with GWBQ total scores as the dependent variable and MRS total scores as the covariate.

**Data Screening and Preparation**

Data from all self-report measures were screened for completion, defined as completing the single likelihood of hire item and at least 75% of items within all self-report measures. Based on this criterion, 11 cases were removed from the dataset due to missing data. The remaining cases did not have any missing data, but 60 additional participants failed manipulation check items and were excluded from statistical analyses. Six multivariate outliers were removed because they significantly exceeded the threshold on Mahalanobis distances. Removing these cases strengthened the correlations between the dependent variables and they were not in the acceptable range. The final sample for all analyses was 476. Parametric assumptions relevant to ANCOVA and MANCOVA were also checked. All assumptions were met, except the homogeneity of variance-covariance \(\text{Box’s } M = 66.80, p < .001\). When this violation occurs, Tidbeck and Fidell (2013) recommend using Pillai’s Trace as the test statistics because it is more robust against violations of homogeneity of variance-covariance.
**Preliminary Analyses**

To ensure effective randomization, several basic demographic variables and the MCSDS were compared between the six conditions using a series of Chi\(^2\) (for categorical variables) and ANOVAs (for continuous variables). Results of Chi\(^2\) analyses revealed no statistically significant differences for participant race \((X^2 = 32.41, p = .594)\), level of education \((X^2 = 35.39, p = .678)\), marital status \((X^2 = 19.17, p = .789)\), employment status \((X^2 = 60.66, p = .144)\), range of years in workforce \((X^2 = 34.46, p = .717)\), whether they were involved in making hiring decisions \((X^2 = 7.67, p = .661)\), reported criminal history \((X^2 = 37.28, p = .054)\). Further, there were no statistically significant differences for participant age \((F(5, 470) = .589, p = .708)\) or MCSDS total scores \((F(5, 470) = .221, p = .953)\). The analyses were conducted with and without MCSDS as a covariate. There were no significant differences in the outcomes of the study; therefore, it was not included as a covariate in the analyses.

**Primary Analyses**

*Perceptions and Expectations of the Hypothetical Job Applicant*

After controlling for MRS, there was a significant main effect of applicant offense history on the combined dependent variables (Pillai’s Trace = .005, \(F(4, 938) = 27.22, p < .001\), partial \(\eta^2 = .104\)) and expected work behaviors \((F(2, 469) = 9.08, p < .001\), partial \(\eta^2 = .037\)). Post hoc analyses indicated that participants who read about an applicant with no offense history reported statistically significantly less desire for social distance from the applicant \((M = 6.67, SD = 4.61)\) than participants who read about an applicant with either type of offense history (non-sexual \(M = 9.24, SD = 4.62, p < .001, d = 0.22\); sexual \(M = 12.17, SD = 4.69, p < .001, d = 0.48\)). Further, participants desired significantly greater social distance from the applicant with a sexual offense history than the applicant with a non-sexual offense history \((p < .001, d = 0.26)\). Regarding how
likely participants would be to hire the hypothetical applicant, having no offense history was statistically significantly associated with higher ratings ($M = 5.94, SD = 1.63$) compared to the two applicants with an offense history (non-sexual $M = 5.07, SD = 1.61, p < .001, d = 0.22$; sexual $M = 4.21, SD = 1.65, p < .001 \ d = 0.43$). As with social distance, the applicant with a sexual offense history had significantly lower likelihood of hire ratings than the applicant with a non-sexual offense history ($p < .001, d = 0.22$). Consistently, the applicant with no offense history was also expected to have more positive work-related behaviors ($M = 69.11, SD = 11.97$) than applicants with an offense history (non-sexual $M = 64.56, SD = 11.97, p = .003, d = 0.15$; sexual $M = 63.60, SD = 12.17, p < .001, d = 0.18$). However, there was no statistically significant difference on GWBQ scores between the sexual and non-sexual offense history conditions ($p = .999$), suggesting similar work behavior expectations. Taken together, hypothesis 1 was supported and hypothesis 2 was partially supported.

However, the main effect of applicant race on the combined dependent variables of desired social distance and likelihood of hiring the applicant (Pillai’s Trace = .003, $F(2, 468) = .66, p = .519$, partial $\eta^2 = .003$) or expected work behaviors ($F(1, 469) = 0.05, p = .819$, partial $\eta^2 = .000$) was non-significant. There was also no statistically significant interaction between applicant race and offense history on the combined dependent variables (Pillai’s Trace = .005, $F(4, 938) = 0.62, p = .650$, partial $\eta^2 = 0.003$) or expected work behaviors ($F(2, 469) = 0.47, p = .628$, partial $\eta^2 = .002$). Therefore, hypotheses 3 and 4 were not supported. Means and standard deviations for all outcome measures are provided in Table 2.
Table 2

*Means and Standard Deviations of Likelihood of Hire, Generic Work Behavior Questionnaire, and Social Distance Scale*

<table>
<thead>
<tr>
<th>Scale</th>
<th>Condition</th>
<th>M</th>
<th>SD</th>
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<tbody>
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<td>Black + Non-Sexual Offense</td>
<td>4.99</td>
<td>1.63</td>
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<tr>
<td></td>
<td>Black + Sexual Offense</td>
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<td>1.63</td>
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<tr>
<td></td>
<td>White + No Criminal History</td>
<td>5.87</td>
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<tr>
<td></td>
<td>White + Non-Sexual Offense</td>
<td>5.16</td>
<td>1.63</td>
</tr>
<tr>
<td></td>
<td>White + Sexual Offense</td>
<td>4.14</td>
<td>1.63</td>
</tr>
<tr>
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<td>Black</td>
<td>5.10</td>
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<td></td>
<td>White</td>
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<tr>
<td></td>
<td>No Criminal History</td>
<td>5.94</td>
<td>1.63</td>
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<td>Non-Sexual Offense</td>
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<td>Sexual Offense</td>
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<td>1.65</td>
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<tr>
<td>Generic Work Behavior Questionnaire</td>
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<tr>
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<td>White + Sexual Offense</td>
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<td>Black</td>
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<td>Non-Sexual Offense</td>
<td>64.58</td>
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</tr>
<tr>
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<td>Sexual Offense</td>
<td>63.62</td>
<td>12.17</td>
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<tr>
<td>Social Distance Scale</td>
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<td>4.62</td>
</tr>
<tr>
<td></td>
<td>Sexual Offense</td>
<td>12.16</td>
<td>4.69</td>
</tr>
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</table>
Effect of Racially Biased Attitudes

Finally, there was a statistically significant effect of self-reported racial bias on the combined dependent variables (Pillai’s Trace = .052, $F(2, 468) = 12.80, p < .001$, partial $\eta^2 = 0.052$) and expected work performance ($F(1, 469) = 155.96, p < .001$, partial $\eta^2 = .250$). However, post hoc univariate analyses revealed a non-significant effect of racial bias on likelihood of hire ($F(1, 471) = 3.30, p = .070$, partial $\eta^2 = .007$). Therefore, independent of the hypothetical job applicant’s race or offense history, participants who endorsed more racist attitudes on the MRS desired more social distance from applicants and expected them to have less positive work behaviors. Thus, hypothesis 5 was partially supported.

Exploratory Analyses

Using an ANCOVA for GWBQ scores and a MANCOVA for all other outcomes, exploratory analyses were conducted to examine whether participants’ identified race and political affiliation impacted their perceptions of the hypothetical job applicant. Again, MRS total scores were entered as a covariate.

Participant Race

Because of the sample’s skewed racial and ethnic composition, participants were categorized into White/European American ($n = 314$) and people of color ($n = 162$) which included those who identified as Middle Eastern, Black, Asian, Native American, Hispanic or Latino, or Pacific Islander (see Table 1). There was no statistically significant difference between people of color and White/European American participants on the combined dependent variables (Pillai’s Trace = .003, $F(2, 472) = .78, p = .458$, partial $\eta^2 = .003$). However, expected work behaviors differed significantly ($F(1, 473) = 9.08, p = .025$, partial $\eta^2 = .011$) between White participants ($M = 66.94, SD = 14.57$) and participants of color ($M = 63.10, SD = 12.53, p = .025$,
Hedge’s $g = 0.281$). When comparing means by race or ethnicity, White participants perceived the hypothetical job applicant as having more positive work-related behaviors than participants who were Middle Eastern ($M = 58.06$), Asian ($M = 62.22$), Native American ($M = 62.67$), and Hispanic or Latino ($M = 64.80$), regardless of the applicant’s race or offense history. Conversely, Black ($M = 67.16$) and Pacific Islander ($M = 75.90$) participants had higher positive work behavior expectations than all other ethnic and racial groups. However, statistical significance by these specific racial and ethnic categories could not be examined due to same size discrepancies and therefore should not be over-interpreted.

**Political Affiliation**

There was no statistically significant effect of participants’ political affiliation (i.e., Democrats, Republicans, Independents) on the combined dependent variables (Pillai’s Trace = .011, $F(4, 912) = 1.26$, $p = .283$, partial $\eta^2 = .006$). Expected work performance ($F(2, 456) = 4.28$, $p = .014$; partial $\eta^2 = .018$) differed significantly between Republicans ($M = 66.15$, $SD = 7.38$) and Independents ($M = 65.22$, $SD = 5.60$, $p = .014$, Hedge’s $g = 0.14$). However, there was no statistically significant difference on GWBQ scores between Republicans and Democrats ($M = 65.86$, $SD = 9.03$, $p = .791$) and Independents and Democrats ($p = .056$). Despite the comparison between Republicans and Independents reaching statistical significance, an examination of means revealed a 1-point difference in expected work behavior, suggesting political affiliation likely has little practical significance.

**Discussion**

Obtaining employment post-incarceration increases the likelihood people will remain in their communities (Atkin & Armstrong, 2013; La Vigne & Kachnowski, 2005). However, individuals with a criminal history encounter immense barriers when searching for employment,
which can disrupt reintegration (Dougherty et al., 2017; Fahey et al., 2006; Schaefer, 2004; Shivy et al., 2007). Studies consistently demonstrate that employers consider offense history during the hiring process (Atkin & Armstrong, 2013; Batastini et al., 2017; Cerda et al., 2015; Varghese et al., 2010). Black job applicants with an offense history may face compounded adversities when searching for employment due to the addition of racial bias (Berg, 2020; Holloway & Wiener, 2020) and having a sexual offense history seems to make an already challenging process even more burdensome (Brown et al., 2007; Schaefer, 2004). This study was the only known study to explore how applicant race and type of offense history influence employment-related outcomes. Additionally, we examined if participants’ racial bias, identified race, and political affiliation influenced these outcomes.

As expected, having an offense history was generally associated with more negative attitudes and perceptions about the hypothetical job applicant than when he had no offense history. This is consistent with a significant body of research on hiring biases toward individuals with known criminal records (Atkin & Armstrong, 2013; Cerda et al., 2015; Giguere & Dundes, 2002; Pager, 2003). Further, having a prior sexual offense conviction was more damaging than a non-sexual offense, except in the case of work performance expectations. Stigma theory postulates that stigma can be attached to a particular behavior, attribute, trait, reputation, or characteristic that others deem socially undesirable or discrediting (Bos et al., 2013; Goffman, 1963). Stigma can also be viewed as an individual possessing a “mark” that makes them devalued or flawed (Jones et al., 1984). Therefore, the applicants with a sexual history may have been seen as least employable because they were viewed as more psychologically and physically harmful to previous and potential victims or more morally flawed than non-sexual offenses (Rogers, 2011), not because they were expected to less capable workers. This explanation is
consistent with Brown et al. (2007) in which employers pointed to concerns about the safety of employees and customers when describing their reasons for rejecting an applicant with a sexual offense history.

Contrary to hypotheses, results failed to show an effect of the job applicants’ race on all outcomes of interest. That is, race did not influence participants’ perceptions of the applicant either in isolation or in combination with offense history. These results were surprising as they are inconsistent with previous studies showing Black applicants with and without a criminal history are less likely to be hired than White applicants (Berg, 2020; Pager, 2003). Lucas and Phelan (2012) also found that participants desired more social distance from Black individuals than White individuals. However, their study used a sample of undergraduates and perceptions were not examined in the context of hiring decisions and did not include a criminal history component. Encouragingly, results of the current study suggested the role of racial stigma in employment-related outcomes may be diminishing or at least not as influential in some cases. As discrimination experienced by Black people continues to be emphasized in public spaces, such as through the Black Lives Matter movement (Sawyer & Gampa, 2018), more people may be actively working to change biased perceptions about Black people and Black men in particular. That is, as society illuminates racial discrimination across a variety of settings, individuals' awareness of their own racial biases may increase, thereby making it easier to identify and rectify them (Bargh, 1999; Dovidio & Gaertner, 1986; Pope et al., 2018). However, it is unclear how these results would translate to actual hiring decisions.

Although applicant race was not influential in employment-related outcomes, participants who endorsed higher levels of explicit racial bias rated applicants as having less positive work behaviors and endorsed more social distance from them, regardless of their identified race or
criminal offense history. Thus, participants who hold more racist attitudes may also hold other biased attitudes or characteristics that cause them to be more apprehensive in general. For example, people who are more racially biased tend to be less open to new experiences, have a lower level of agreeableness, and more supportive of punitive crime policies (Green et al., 2006; Sibley & Duckitt, 2008). However, these more negative attitudes among participants higher on racism did not translate to their hiring decisions.

Participants' self-reported race did not impact their desire for social distance or likelihood of hire ratings. However, White participants had more favorable views of the applicants' work performance than participants of color as a group, but Black and Pacific Islander participants showed the most favorable work expectations when examining mean scores across individual categories of race and ethnicity. While some research has suggested ethnic minorities tend to be less trusting of others (Smith, 1997), other studies found that Black individuals have higher levels of hope in themselves and trustworthiness in others compared to White individuals. (Assari & Lankarani, 2016; Simpson et al., 2007). Additionally, participants' political affiliation was unrelated to desire for social distance or likelihood of hire.

Implications and Potential Solutions

Results of this study adds to existing literature calling for more advocacy to support and encourage hiring people with a criminal offense, especially Black people and those with a prior sexual offense. Knowing the barriers to employment and for whom these barriers are amplified may enhance job search efforts for people with criminal records. Training probation officers and employers, for example, about the possible link between criminal offense type bias and underemployment of justice-involved or formerly justice-involved individuals may improve efforts to prepare applicants to address questions about their history during the hiring process.
and/or help employers make more objective decisions. Limiting employer access to criminal records in the first place would also increase equity of hiring, as applicants who are asked to endorse their criminal history are disadvantaged even before the interview stage (Fahey et al., 2006). Campaigns such as “Ban the Box” (BTB) advocate for employers to remove questions about criminal histories from their application forms and restrict access to criminal records (Agan & Starr, 2018). However, some BTB-type initiatives may have unintended consequences for Black applicants. In one study, restricting access to an individual’s criminal record led to fewer callbacks for Black applicants because employers assumed these applicants had a criminal history based on their race (Agan & Starr, 2018). Providing incentives for hiring individuals with a criminal background may also reduce apprehensions about hiring justice-involved individuals (Kethineni & Falcone, 2007; Obatusin & Ritter-Williams, 2019). Finally, connecting incarcerated individuals with potential employers before release may engender positive attitudes toward their employability, reduce the likelihood of employers equating applicants’ criminal history with their work ethic, and ease the transition back to society (Obastusin & Ritter-Williams, 2019; Pettigrew & Tropp, 2006).

Although we propose additional advocacy to improve the fairness of hiring practices for job applicants with criminal histories, we also acknowledge employers may have legitimate concerns about hiring individuals with certain criminal offenses or limited skills relevant to the job. That is, there is a distinction between job rejections rooted in bias and those rooted in genuine problems or liability. For example, a daycare owner who denies a custodial position to an applicant whose offense involved child victims is likely not biased in their hiring decision. Individuals with criminal histories also have a responsibility to obtain adequate job skills, prepare for anticipated challenges when entering or re-entering the job market, and demonstrate
they can be reliable and dependable workers despite past behaviors or circumstances. Creating equitable employment opportunities for individuals with criminal backgrounds likely requires combined efforts to educate and challenge employer biases, recognize and navigate justifiable job restrictions, and provide more intensive support for marketable job-skills training, career counseling, and general re-entry preparation both inside and outside correctional institutions.

**Limitations**

Several limitations must be addressed. First, most (66%) participants identified as White/European-American. Although racial breakdown did not differ by condition, results nonetheless reflect the perceptions of a white majority. For purposes of broader generalizability, this may be less of concern as most people in managerial or hiring positions are White (U.S. Bureau of Labor Statistics, 2022) and, therefore, biases of White employers may be the most crucial to understand and reform. Nonetheless, the study may not adequately represent hiring decisions by employers of color. Second, and related to the sample characteristics, this study did not examine decisions of actual employers (though most people in the sample reported making hiring decisions). Experiences unique to employers may have impacted the results. Third, the use of MTurk may have limited the quality of the data. MTurk data can be more vulnerable to bots, social desirability bias, and inattention (Aguinis et al., 2021).

Finally, few details regarding the hypothetical job applicants' offenses were provided to participants, which could have led them to make assumptions or even add inaccurate details regarding the applicant, the victims, or the crimes themselves. For instance, participants could have assumed the sexual crime involved a child. In some states, sexual battery can involve children. Sexual offenses against children are typically deemed more heinous and unforgivable (King, 2015). However, significant details surrounding the crime were excluded to preserve the
Future Research Directions

Although this study showed promise regarding the limited impact of racial biases on hiring decisions, additional research is needed to fully understand if and how such biases interfere with an individual’s ability to be hired when criminal history information is accessible to employers. In particular, this study only examined two racial identities among men. Other studies should vary applicant race, ethnicity, or skin tone. Women and other gender minorities may also experience different levels of bias or discrimination in hiring practices based on their race and/or offense history. To emphasize applicant racial or ethnic characteristics more clearly, future studies may also consider including a picture of the applicant while controlling for extraneous factors in appearance such as age, attractiveness, and grooming. Future studies could also ask participants if they experienced discrimination during the hiring process to evaluate whether personal experiences with employment discrimination influence hiring attitudes.

The job applicant in our study was applying for a minimum wage or close to minimum wage job, had a relatively strong work history, only one documented offense, was released from prison six months ago, and was described as having no problems with his former supervisor. It is likely attitudes about hiring or employability may depend on the job type, associated prestige, the match between training and job duties, or other personal factors such as time since release, extent of criminal history, or quality of recommendations. In fact, work-related skills of individuals with a criminal history, strong work histories, and a long period of being offense-free can mitigate employer’s reluctance in hiring individuals with a criminal history (Fahey et al., 2006; Visher et al., 2011). Future studies that vary these factors may inform how to better prepare
applicants for the job market and make more practical decisions about the types of jobs that are more accessible to them.

**Conclusion**

This study is the first to empirically test the synergistic effects of offense history type and applicant race on employment outcomes using a randomized controlled design. Despite some noteworthy limitations, findings of the present study provide additional evidence of a bias against individuals with a criminal offense history and that this bias similarly impacts Black and White job applicants. Applicants whose offense history includes sexual misconduct may have an exponentially difficult time overcoming negative perceptions in relation to finding a job. While emphasis on anti-Black racism may be helping to mitigate race-based biases, advocacy efforts for justice-involved and formerly justice-involved are needed to help ensure stable employment and desistence from the system. Employers must give justice-involved applicants a fair opportunity to be hired if we are serious about solving individual and societal problems surrounding unemployment. Moreover, additional research examining different applicant characteristics and circumstances that impact hiring decisions for those with criminal histories must continue.
References


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https://doi.org/10.1177/0002716208330793


Appendix A
Hypothetical Job Applicants Vignette
(adapted from Batastini et al., 2014, 2017; Rogers, & Ferguson, 2011)

Black Applicant Convicted of Sexual Battery

Please review the following report from the applicant’s reference and additional interview notes.

You contact the reference Jamal has listed on his job application to gather more information about his previous work performance. His previous supervisor reports that Jamal was hired as a contractor after graduating from high school. His supervisor denied having any problems with Jamal; he showed up on time, seemed to work well with others, and completed tasks proficiently. However, at the age of 23 his supervisor reports that Jamal was terminated from his job after being convicted of sexual battery, for which he served some time in prison. You are the manager of the construction site and are in charge of the hiring process (that is, you make the final decision).

Despite his previous conviction, you decide to interview Jamal. During the interview, you ask Jamal about his previous conviction, and he reports that he was convicted of a felony and sentenced to 3 years. He was released on parole after serving 1 year due to good behavior and has been out of prison for 6 months now. In the interview, Jamal demonstrated appropriate eye contact, showed common courtesy, articulated his answers to interview questions (e.g., he gave more than yes/no responses), was prepared with his own questions, and reported that he sought this job so he could spend time outdoors and he enjoys working with his hands. According to Jamal’s application, he has the necessary legal, educational, and physical qualifications for this job.
Appendix B

Mock Job Application

You will be assuming the role of a construction site manager and will be responsible for making hiring decisions. Please review the following application packet, which includes the job application form and additional information you gathered about an applicant you interviewed for an open position at your company. You will be asked some questions about the applicant and their qualifications for the job, so please read the materials carefully. Note that some information is de-identified for confidentiality purposes.

Shivley Contractors

Employment Application

Applicant Information

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<tr>
<th>Full Name</th>
<th>Smith</th>
<th>Jamal</th>
<th>Date: 5/1/2021</th>
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<tr>
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Address: 12819 Saddle Brook Rd
Street Address: Apartment/Unit #
City: Memphis
State: TN
ZIP Code: 38199

Phone: 901-999-9999
Sex: Male
Race: Black
Date Available: Immediately
Social Security No.: 299-99-9999

Position Applied for: Construction Worker

Are you a citizen of the United States? YES ☐ NO ☐
If no, are you authorized to work in the U.S.? YES ☐ NO ☐

Have you ever worked for this company? YES ☐ NO ☐
If yes, when?

Have you ever been convicted of a felony? YES ☐ NO ☐

If yes, explain: Sexual Battery

Education

High School: Dillon High School
Address: 12789 Bigin Street

From: 2010 To: 2014 Did you graduate? YES ☐ NO ☐ Diploma: High School

Previous Employment

Company: Rocky and Lance Contractors.
Address: 38912 Dillon Rd Memphis, TN 39001
Supervisor: Joe Williams
Phone: 901-888-8888

Job Title: Construction Worker
Preparing construction sites, materials, and tools; Assisting with transport and operation of heavy machinery and equipment; Removing debris, garbage, and dangerous materials from sites; Operating machinery that pumps concrete, grout or plaster through sprayers for application to walls and ceilings.

From: 2014 To: 2019
May we contact your previous supervisor for a reference?  YES ☐  NO ☐

References

Please list a professional reference.

Full Name: Joe Williams  Relationship: Supervisor
Company: Rocky and Lance Contractors  Phone: 901-888-8888
Address: 38912 Dillon Rd Memphis, TN 39001

Disclaimer and Signature

I certify that my answers are true and complete to the best of my knowledge.

If this application leads to employment, I understand that false or misleading information in my application or interview may result in my release.

Jamal Smith

Signature: ___________________________  Date: 5/1/2021