

# Computer-Based Employment Applications: Implications for Offenders and Supervising Officers

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**THE VAST MAJORITY** of the more than 725,000 offenders who return to the community each year have as a primary goal getting a job. This also holds true for the millions under various forms of community supervision or awaiting release from custody. Whether the goal is to support themselves and their families, to satisfy a condition of their supervision, or to fulfill a major component of a commitment to living a conventional life, obtaining employment may be one of the most critical activities in which offenders participate. In fact, finding employment for those under justice system supervision has become an occupation itself and, in some ways, a cottage industry. Reentry specialists, social workers, and others are tasked specifically with generating employment contacts for offenders seeking work; non-profit organizations exist solely to assist offenders in finding and applying for jobs and to prepare them for interviews. Even for probation and parole officers, assisting offenders in finding work or setting up referrals to the organizations who specialize in employment can occupy a large part of their time.

The effort expended by justice system actors and other individuals and organizations working with offenders is not without good cause. Research has found fairly consistently that there is a positive relationship between employment and the cessation of criminal activity among adult offenders (Bushway & Reuter, 2002; Fagan & Freeman, 1999; Sampson & Laub, 1993). Although a number of intervening factors moderate the relationship between work and desistance, from supervising officers' and offenders' perspectives, employment offers distinct benefits

for discontinuing a life of crime. A job represents significant blocks of time that would otherwise be idle and possibly filled with criminal behavior, and gainful employment can remove the financial motivation to participate in crime. Many offenders maintain that if just the right job came along, gone would be the need to sell drugs or steal in order to make ends meet (Fader, 2011). If nothing else, obtaining and maintaining employment is a nearly universal condition for those under community supervision. As such, even if empirical studies are somewhat mixed on the relationship between work and crime, there are other tangible benefits of employment from the perspective of officers and offenders.

Because of the real or perceived benefits of employment for offenders, a great deal of scholarly attention has been paid to the barriers offenders experience in entering the labor market. For instance, having a criminal record (Pager, 2003) or having been incarcerated (Western, 2006) have been demonstrated to have a negative effect on the likelihood of obtaining employment. Though it has been argued that criminal behavior in the distant past should not influence current employment opportunities (Kurlychek, Brame, & Bushway, 2006), a criminal record and past periods of incarceration are significant static barriers to obtaining work. Offenders are at a severe disadvantage in achieving the benefits of employment as a result of what is, at least in the eyes of employers, an indelible part of who they are.

Although the research on the relationship between crime and work is interesting to those studying the complex connections between societal systems and structures, there

has been little written of practical value on the process offenders must navigate to actually land a job in the modern service economy. In other words, there is little to no discussion in the academic literature about what offenders could experience during the hiring process or the tasks that they must complete in order to apply for work. There exists, however, a large body of research documenting and explaining the hiring process, including searching for employment (Williams, 2006), the skills employers look for in applicants (Moss & Tilly, 1996), standardized testing (Cha, 2005; O'Connell, 2009), and the interview (Kirschenman and Neckerman, 1991). A great deal of recent scholarship in this area has focused on minority applicants and the challenges presented to them during the process, but none of the research has focused on the modern application process as it relates to individuals under community supervision.

The current article attempts to remedy this by presenting data on how the current application procedures of retailers relate to the already formidable challenges faced by offenders seeking employment. The conclusion of this research is that a substantial and increasing number of employers even at the lowest rungs of the retail sector are using computer- and Internet-based applications. With the development of electronic applications, it is increasingly easier to incorporate into the application lengthy pre-employment screening questionnaires. Such questionnaires are based on personality tests that have been normed on a white, middle-class population and so create disadvantages for less privileged groups when they are used to screen job candidates (Paul, 2004). Although the

present research was not designed to directly test how electronic applications affect offenders versus non-offenders, the findings have potential implications for those under community supervision who are applying for retail work and for those in the field working with this population.

## Background & Data

While conducting field research on young men of color who had spent time in a juvenile reformatory, the second author on the present study observed several times the barriers her informants faced when applying for low-wage work in the community. For instance, when one informant was applying to be a “runner” (the person who brings the food to the table and removes the tableware once finished) at a high-end restaurant, several peculiar questions were asked of him on the application. In addition to some advanced high school math and geometry items, three questions tested his cultural capital by asking him to name three other restaurants in the Center City area (read: expensive) and two airlines and to identify Bill Gates. It should go without saying that neither the math nor the cultural capital items are in any way related to one’s ability to successfully perform the duties of a runner. On another occasion, when this informant went to a Best Buy store and asked if he could apply for a job, he was directed to the company’s website to complete an application. These two experiences prompted us to systematically investigate the application procedures for low-wage, entry-level employment.

Although there are many sectors of the labor market we could have explored, including manufacturing, shipping, and receiving (e.g., UPS, FedEx) and the hospitality industry, we limited this investigation to the retail sector. Within the service economy, retailers employ the largest number of low-wage and entry-level positions, including cashier, sales representative, associate, or clerk. Furthermore, the retail sector includes “backroom” positions such as stocker and inventory workers. The jobs in the retail sector require little to no previous experience, knowledge, or skills, and for the purposes of understanding the process of applying for low-wage work in the 21st century, the retail sector was an ideal choice.

To do this, we assembled a thorough though not exhaustive sampling frame of 125 retail outlets in the Philadelphia metropolitan region. The sample included nearly all corners of the retail sector landscape, including department stores and retailers of clothing, shoes,

and accessories; electronics stores; sporting goods stores; home improvement and decor vendors; and grocery markets, including convenience and drug stores. The vast majority of the retail firms in our sampling frame were part of national chains, so the practices documented here are largely mirrored elsewhere, enhancing the generalizability of our findings. Most application procedures are set up at corporate headquarters and thus are the same across cities and stores. Therefore, applying at Target is the same experience in Philadelphia and upstate New York (an assertion that we personally confirmed).

Our first step was to document the application procedure for each of the 125 sample sites. At this stage, one of the authors visited the retail location and requested an application for employment. We systematically catalogued the different types of application procedures used by each of the retailers; in many instances, the applicant could choose from a combination of types. Next, we documented employers’ requests for information that went beyond standard contact information, educational and employment history, and references. This additional information included releases for pre-employment criminal background investigations and credit history reports, requests for drug testing, and questionnaires of varying depth and complexity on a number of domains. The two authors collected all data for this project between November 2006 and August 2007.

## Results

The final sample consisted of 113 retailers. From our original sample, 12 were eliminated from the analyses for several reasons, primary among them that several retailers were owned by a single company using the same application or that the retailer had gone out of business. Of the retailers in the final sample, approximately half ( $n = 56$ ) retained traditional paper applications. Half of those retailers who used only paper applications are categorized as clothiers according to the Bureau of Labor Statistics (BLS) subsector classification scheme. Nearly one-third ( $n = 35$ ) of the sample had moved to exclusively computer-based application methods, accessible via either a personal computer with an Internet connection or in-store computer kiosk. Within the BLS categories, the most common subsector that uses exclusively computer- and Internet-based applications is electronics retailers (e.g., Best Buy, Radio Shack). It should also be noted that among the

biggest employers in our sample—WalMart, Target, Home Depot, and Lowe’s—are also exclusively electronic-based applications. The remaining fifth of the sample employed a mixture of paper and electronic applications, with a majority utilizing “resume-builder” software that allows applicants to enter standard information (such as name, contact information, education, and employment experience) into pre-defined fields. It should be noted that where multiple types of application were available, the job seeker could choose one over another.

We next examined employers’ requests for information that went beyond traditional questions. Nearly three-quarters of retailers required the applicant to sign a release for a criminal background investigation to be performed. For both the drug-testing requirement and credit history report, a substantial number of retailers (40 percent and 54 percent, respectively) asked for the applicant’s permission to release this information. Moreover, paper and electronic applications differed in how they asked for this information. Paper applications included these requirements in the fine print at the end of the application, just above the space for the applicant’s signature. Electronic applications, on the other hand, typically asked the applicant to consent to the background investigations and drug testing near the beginning of the process, often before any personal information was requested. If the applicant refused to consent to either the drug testing or credit check requirements, the session would be terminated.

Forty-four percent of employers used some form of screening instrument that went beyond educational, employment, criminal, and credit histories. For example, many paper applications included one or two items that asked the applicant about hard skills (such as computer or cash register abilities). At the other end of that spectrum were personality tests that consisted of up to 150 items. While these tests have been used elsewhere in the hiring process in all sectors (Cha, 2005; Knight, 2006), the increasing use of electronic applications makes it easier and less expensive to administer such instruments. The very nature of paper applications is prohibitive to including lengthy questionnaires, and the following results are heavily weighted by the dominant use of these tests in electronic applications.

To make sense of the variety of the items in the application questionnaires, we created a classification scheme consisting of nine domains into which the questions fell: hard

skills, soft skills, past performance, willingness to perform, drug use, criminal behavior, drug test, criminal background, and credit history. The first two domains, *hard skills* and *soft skills*, have been documented in previous employment studies, though not in the application process (Moss and Tilly, 1996). Hard skills include familiarity with physical equipment and the technical know-how to perform a task. Soft skills tap the interpersonal skills an individual possesses, as in relating to others in a customer-sales associate interaction or interacting with co-workers and superiors. Examples of these Likert scale items included: "Talking with strangers has always been difficult for me," "You keep calm under stress," and "You know when someone is in a bad mood, even if they don't show it."

The *Past Performance* domain asks about prior work and educational experiences using questions such as: "You had nearly perfect attendance in your past job or when in high school," "You have always had good behavior in school or work," and "Your past employers have a favorable view of you." Related to this, *Willingness to Perform* taps into future behavior, particularly on the job. "How do you feel about a job that would require you to work overtime, nights, weekends or holidays?" or "How do you feel about cleaning inside the store as part of your job?" are examples. In the *Drug Use* domain, some screening instruments asked directly, "Have you ever taken illicit substances?" or "Do you know anyone who has used drugs?" The *Criminal Behavior* questions were often more general, asking if the applicant had ever taken something that was not theirs and stealing money or goods from previous employers.

The results showed that electronic applications employed far more of the screening domains. For example, electronic applications were four times more likely (84 percent versus 21 percent) than paper applications to contain questions measuring soft skills. The same ratio applies for questions on past performance on the job. Electronic applications were just over twice as likely (29 percent versus 14 percent) as their paper counterparts to ask candidates to report on their past criminal behavior. Meanwhile, none of the paper applications and 13 percent of the electronic applications asked about drug use. Interestingly, it also appeared to be more common to ask applicants to give permission for drug testing and credit checks when using an electronic medium for applications (87 percent versus 43 percent and 84 percent versus 57 percent, respectively).

However, there was little difference between the two in their rates of requesting permission for criminal background checks: 100 percent of paper applications and 94 percent of electronic applications asked for a release of criminal history.

In a recent follow-up to the original data collection, we found that of those retailers who relied solely on paper applications, 37.5 percent began offering applicants the option to submit their applications online, predominantly through the resume-building software. This finding should come as no surprise, as modern life increasingly shifts online. It is, however, further evidence of the necessity of offenders and those working with them to be acutely aware of changes in the process of applying for work.

## Implications

As we noted earlier, our interest in this subject arose out of field research conducted with formerly incarcerated inner-city black males who were looking for low-wage employment, a group that is already at the bottom of the labor queue. Although our research design could not directly address whether retailers' use of scientific, "objective" principles in hiring is beneficial or harmful to vulnerable job-seekers, this study has provided some insight into the potential pitfalls of these new methods, from both the offenders' and justice system actors' perspectives. In this section, we will further elucidate the problems offenders could encounter while applying for retail work and highlight those areas where supervising officers and others working with this population can maximize their assistance.

The first of these problems is that the simple and increasing switch from paper to computer-based application procedures may deter returning prisoners from starting—or finishing—applications. Research on the digital divide has firmly established that inner-city residents, particularly those with little income and education, have significantly less access to computers and the Internet in their homes (Spooner & Rainey, 2000; Wilson, 2000). Many retailers provide applicants with only a business card and an Internet address, forcing them to locate public access to a computer terminal elsewhere (e.g., a public library). Once they reach the company's site, job-seekers may struggle to find the "careers" link, usually at the bottom of the site, printed in tiny letters. During data collection, we navigated through flashing sale offers and pop-ups, searching in vain for this link, only to discover that

many applications were only found by clicking "About Us."

Perhaps more important is what Hargittai (2002) terms the "second-level digital divide," or inequalities in users' abilities to navigate the Internet. Even employers who provide an in-store kiosk could discourage job seekers from applying if applicants assume that the job duties themselves may require computer proficiency. Several of the young men in the original field study commented that the application reminded them of school tests—not a particularly fond memory for most. It is possible that the new reliance on computer-based applications may add a new layer of disadvantage to the most vulnerable of job-seekers. In addition to skills and spatial mismatch, these new methods may create a "technological mismatch" between unskilled candidates and available jobs.

If organizations that assist offenders in finding employment and reentry centers more generally do not already have a bank of computers for job searches, it would be wise to either secure the funds to build one or liaise with a local library for dedicated blocks of time for offenders to use their computers for this purpose. Furthermore, staff must be keenly aware of the offender's potential lack of expertise in using computers, navigating the Internet, and understanding the procedures to find and apply for work online. Likewise, it might be advantageous in community supervision offices to have one or two computers that could be used by offenders during office visits to search for work in collaboration with the supervising officer. This necessarily entails the awareness on the part of the officer that offenders may not be proficient in using computers or the Internet and in applying for work online on their own.

Related to the technological mismatch is the number of applications that can be completed by a job-seeker in a given timeframe, regardless of the offender's access to and comfort using computers and the Internet. Of course, it can be argued that electronic (particularly online) applications reduce application time by eliminating the time it takes for job-seekers to travel to the business to apply for the position. Because so many electronic applications contain the lengthy personality tests, however, the time required to complete each application has increased. During data collection, we were often advised that we should reserve 45 minutes to an hour to fill out the application. Since we had to complete each application as if we were actually applying for

the position in order to inventory the types of information requested on them, we learned first-hand how much patience was required to complete approximately 150 questions per application (this process is described in hilarious detail in Ehrenreich's (2001) account of low-wage work). On most data collection days, each author was able to document no more than five online applications, despite the fact that neither of us thoughtfully answered the questionnaire's items. Compounding the problem is that the popular and oft-used tests, such as those made by third-party companies like Unicru, do not store responses online and allow them to be accessed and submitted to multiple employers.

Precise figures on the condition of application quotas are unknown, but officials who set such a condition—whether officers, parole board members, judges, or reentry workers—ought to be aware of the time it takes to apply for the increasing number of positions that require lengthy questionnaires. Whether quotas are set by the day, week, or month, they should take into consideration that the offender's limited access to and familiarity with technology, combined with the time required to complete just one application, can limit the number of applications an offender can complete in a given time period. Because failure to even apply for work can be cause for violation, failing to apply for a certain number of applications due to these constraints should not be a cause for violation.

Although neither of the authors was seeking work in the retail sector, the experience of requesting and completing applications was enlightening, particularly when keeping in mind the relatively large amount of human, social, and cultural capital two white, middle-class academics could bring into the hiring process. Requesting applications from harried and frequently much younger customer service clerks was a surprisingly nerve-wracking process. Many times, we were referred to an in-store phone or computer kiosk, but found that these were old, slow, broken, or located in a high-traffic area in which we presented an obtrusive presence to customers. At the now-defunct Hollywood Video, for instance, one author was referred to a phone bank located directly where employees passed videos off to customers. The sense of being conspicuous may be enough to dissuade offenders from staying long enough to complete an application.

Another element that may discourage offenders are those applications with questions (or requests for releases of information)

on criminal history, self-reports of criminal behavior, self-reported drug use, drug tests, and credit history. These checks suggest an attempt by employers to screen out candidates who are not "good citizens." The refusal to consent to such a check is enough to make a job-seeker ineligible for employment, and as described above, many online applications will not permit the individual to continue the application unless such consent is granted. The mere mention of releasing such information, however, may be enough to dissuade candidates with a history of trouble with the law or with a poor credit score from applying. Research on the subject suggests that candidates respond negatively to credit checks as a pre-employment screening tool, infringing upon their expectations for privacy and procedural justice (Nielsen and Kuhn, 2009).

Despite the finding that the majority of retail companies require such consent to be considered for employment, this should not deter offenders or those working with them from applying for these positions. It is unlikely that all potential employers are willing and able to actually conduct the background checks for all applicants (Holzer, Raphael, & Stoll, 2006), a fact that those assisting offenders in applying for work should widely disseminate. Should a check actually be conducted, however, a manager at a large national home supply chain advised that offenders ought to disclose their criminal histories when prompted to do so in the application. This is because an employer who learns of the individual's criminal past after being hired will almost certainly fire the new employee for lying on the application. And such a scenario can actually worsen future employment prospects, since many applications ask whether or not the applicant has been fired from a previous job. The same home store manager stated that applicants can mitigate a criminal record by being ready to detail the lessons they learned from the experience of being incarcerated.

In addition to the access and technological skill requirements associated with electronic applications, the time required to complete lengthy pre-screening questionnaires, and the necessary consents to background investigations, personality tests may further disadvantage offenders, particularly urban and minority ones, if they contain items that are culturally loaded. We encountered several such instances. For instance, the scenario is: "You see another employee taking money from the cash register. What would you do?" (1) Say nothing, (2) Confront the employee

directly, (3) Contact store security, or (4) Alert your supervisor." Reporting infractions is, of course, viewed as snitching by many inner-city residents, one of the most important elements of the "code of the street" (Anderson, 1999). However, it seems clear that alerting the supervisor is the correct answer in this scenario.

Next, we suspect a common item asking candidates to report whether "It angers you when the courts let guilty criminals go free" may be particularly problematic for this group. Similarly, questions that ask whether candidates know someone who uses drugs or someone who has a criminal record put reentry populations in a double-bind. If they respond in the negative, they may believe that employers would assume that they are lying. If they respond in the affirmative, they put themselves at risk for "failing" the question or the test such that they make themselves ineligible to move to the next phase of the process.

This leads us to a related matter, which is dishonesty. Several of the young men in the field research study had strong reactions to items that may be designed to tap honesty and integrity such as those described above. Psychologists refer to the process of determining the desirable response to test items and providing that response as "faking good" (Jackson, Wroblewski, and Ashton, 2000). There is widespread agreement that motivated candidates can easily fake responses to well-used personality tests such as the Sixteen Personality Factor Questionnaire (16PF), the Myers-Briggs test, or the Fundamental Interpersonal Relations Orientation-Behavior (FIRO-B) (Furnham, 1990). To fake responses, however, candidates must be both motivated *and* skilled enough to identify desirable responses. Snell, Sydell, and Lueke (1999) contend that job-seekers may vary in the degree to which they can guess responses that will earn them the best scores. Although most research on faking has not examined differences across respondents in their ability to dissimulate, we can speculate that the same candidates that confront problems anticipating employers' expectations during face-to-face interviews would encounter similar challenges when these expectations are translated into a personality test.

The implications for offenders and those working with them on the related issues of culturally-loaded questionnaire items and dishonesty are perhaps the most difficult of all to disentangle. It may be easy to coach offenders on the "correct" answers to questions about reporting a co-worker's theft to a manager, the

appropriate level of anger toward courts that let guilty criminals go free, or whether they know anyone who has ever been arrested or used illegal drugs before. Doing so, however, may make the offender feel uneasy about being dishonest and raise ethical issues for supervising officers and reentry professionals. Alternatively, should offenders be encouraged to answer the items truthfully and to the best of their judgment, this would likely result in a dramatic reduction in their chances of getting the job. This is also an undesirable outcome. Further research into the practices and perceptions of offenders and supervising officers on this conflict is warranted.

Underscoring the entire discussion about applying for retail jobs in the computer age is the likelihood that most employers who have not already switched will likely do so in the not-too-distant future. When the original data collection for this study ended, approximately one-third of retailers exclusively relied on computer- and Internet-based applications, and this was a previously undocumented empirical fact. In only a few years, many more employers began offering at least an Internet-based alternative, if not dropping the paper option entirely. With each additional employer requiring applications to be submitted online, the implications of this study for supervising officers and offenders will only become more relevant. This is compounded by the high probability that attached to electronic applications will be personality questionnaires, the potential problems of which were discussed above. Finally, although the scope of our research was the retail sector, the implications extend to some extent to all other sectors that employ low-skill, low-wage workers and that require applications to be submitted electronically.

## Conclusion

Our analysis of application procedures in the retail sector has found that a substantial—and likely increasing—number of employers has moved to computer-based modes of screening and selecting candidates. This has several implications for the population of returning prisoners, most of whom must look for, if not secure, employment as a condition of parole and often view employment as the key to remaining crime-free. First, offenders increasingly need regular access to computer terminals. We have seen much discussion of using computers to help returning prisoners locate jobs (e.g., at one-stop centers), but our research suggests that reentry professionals

must also be aware of the high degree to which retail employers rely on computerized (usually Internet-based) methods of applying for jobs. Since most of the returning population experiences the “second-level digital divide” in their lack of familiarity navigating the Internet, this group will likely benefit from hands-on assistance as they apply for these jobs.

Next, our analysis of retailers suggests that those using computer-based application procedures are more likely to ask a wide variety of questions of the applicant, requiring a broader degree of preparation for the applicant. Prospective retail employees should start applications with an expectation of allocating 45 minutes to an hour per application. Despite the time saved by not having to travel to stores to apply in person, these lengthy applications likely contribute to applicant fatigue and reduce the number of applications that can be completed in a given day. Offenders should be prepared to provide releases for criminal background checks and credit reports, despite the fact that not all employers will actually conduct these checks.

Finally, reentering populations should be prepared to provide answers to lengthy (up to 150-question) personality tests, commonly used in the retail and other sectors to screen candidates and sort them into categories of desirability. The answers to some of these questions seem straightforward, such as whether the applicant is willing to perform certain duties. Others are designed to produce a workforce that is compliant and responsive to authority, and these may make it more difficult for applicants to guess the “correct” response, such as whether it makes one angry when the courts let guilty criminals go free or whether they know someone who has used drugs or committed crimes. In today’s slack labor market in which many applicants vie for the same position, modern employers use any evidence of criminal affiliation or criminal thinking as a way to sort out troublesome employees. Thus they are likely to employ hypothetical scenarios about how potential employees would respond if, for instance, they witnessed another employee stealing cash from the till. Since offenders who at one time may have been socialized into the “code of the street” may not have an intuitive sense of what responses employees are looking for, they may be at a substantial disadvantage unless they have the support of reentry professionals who prepare them for job applications in the information age.

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