The Relationship Between Criminal Records and Job Performance: An Examination of Customer Service Representatives

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THE RELATIONSHIP BETWEEN CRIMINAL RECORDS AND JOB PERFORMANCE: AN EXAMINATION OF CUSTOMER SERVICE REPRESENTATIVES

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ABSTRACT

Between 70 million and 100 million Americans—or as many as one in three—have some type of criminal record (Vallas & Dietrich, 2014). Having even a minor criminal record often functions as a significant impediment to gainful employment and resultant economic security. This is especially problematic given that: (a) many companies now incorporate background checks within their hiring process and (b) little empirical research exists about the relationship between criminal records and job performance. Thus, this study examined the relationship between criminal records and objective performance of customer service representatives (N = 627) in a large telecommunications firm. Our regression analyses indicate that criminal record was not a predictor of job performance.

KEYWORDS

criminal record, job performance, turnover, ban-the-box

To date, overall research findings suggest employers tend to view applicants having criminal records with distrust, believing they are less reliable and more likely to relate to others poorly (Ali et al., 2017; Holzer et al., 2004; Kleiman & Kass, 2014; Pager, 2003; Young & Powell, 2015). This characterization has had profoundly negative impacts on reported levels of employment among those with criminal records. According to research sponsored by the Department of Justice, criminal records reduced an applicant's employment chances by nearly half (Pager & Western, 2009). Other studies have shown that despite being equally qualified, formerly incarcerated candidates are less than half as likely to receive job offers when compared to those who have not been incarcerated (Pager, 2003). The stigma associated with criminal records in the context of the hiring, therefore, strongly contributes to an organization's reluctance to engage with applicants who possess these unfavorable characteristics as evidenced in the significantly high unemployment rates, which are approximated at about 50% (Nally et al., 2011).

Although scholars have spent considerable time exploring the various ways in which criminal records impact hiring, barring only two notable exceptions (Lundquist et al., 2018; Minor et al., 2018), there is a significant lack of empirical evidence documenting what happens after these individuals are employed. For example, Griffith et al.'s (2019) systematic review of 58 research studies examining the relationship between criminal records and employment confirms that the preponderance of available research has almost exclusively focused on the initial stages of the employment relationship (selection and hiring) but fails to include the vast domain of postemployment job performance behavior. Thus, it is unclear how criminal records relate to job performance, specifically the dimensions of task performance or other workplace behaviors (Sackett, 2002).

Further complicating our understanding of this relationship are the various studies showing that criminal records correlate with lower than average intelligence scores (Neisser et al., 1996) and higher levels of negative affectivity (Giordano et al., 2007). One the one hand, because these variables have also been shown to share a negative relationship with a number of valued employee behaviors such as learning motivation and non-deviant conduct (Colquitt et al., 2000; Lyons et al., 2016), it could be argued that these individuals should come into organizations and perform more poorly than their counterparts without criminal record. On the other hand, it could also be argued that stigma attached to criminal records produces a compensatory job performance effect by elevating levels of identity-related motivation. Indeed, recent qualitative investigations on the effects of incarceration on employment have posited such an effect. Anazoda et al. (2019) found that *defying performance expectations*, defined as an "active attempt to dis-

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prove common stereotypes associated with [criminal history]…by increasing effort or displaying a strong work ethic" (p. 569), served as a prominent strategy used to cope with a negative criminal identity. Palmer and Christian (2019) qualitative investigation also found that incarcerated individuals viewed employment as an opportunity to showcase their strong work ethic and to show that, despite having a criminal record, they could assume greater responsibility. Research, thus, appears to be converging on the notion that the presumed negative connections between criminal records and work performance may be overly deterministic (Young & Ryan, 2019). However, there is an insufficient number of empirical research studies available to evaluate the veracity of these claims.

The current investigation expands on these studies by explicitly investigating the relationship between criminal records and task performance. This research aims to provide valuable evidence that may help to better inform future theory building and policy development.

Criminal Records Stigma and Social Identity Theory

According to stigma theory, criminal records reflect something unusual or bad about the moral status of the individual, as such conduct generally falls outside of acceptable social-normative bounds (Goffman, 1963; Major & O'Brien, 2005). Negative attitudes and stereotypes directed toward an applicant on the basis of stigmas can, therefore, significantly reduce employment opportunities for ex-offenders. For instance, in a survey examining employer willingness to hire ex-offenders, Holzer et al. (2004) found that "over 40 percent of employers…would 'probably' or 'definitely' not be willing to hire an applicant with a criminal record for a job not requiring a college degree" (p. 41). Subtler stigmatization effects can be found in the actual applicant interviewing process. Smith (2014) noted that, "an employer who has decided to reject an applicant because of her criminal history may use information uncovered during the interview as a pretextual justification for the decision to deny the applicant the position" (p. 217). Young and Powell (2015) posited that ex-offenders can often be viewed from a lens of coldness and incompetence, and Ali et al. (2017) suggested applicants with criminal records are routinely stigmatized if explanations of previous offenses are not accompanied by an apology or remorse.

The instances described above suggest stigma can form the basis of employment evaluation (Ragins, 2008). However, stigma theory does not provide an adequate explanation as to how applicants respond to the effects of negative stigma. As a complementary explanatory process, social identity theory argues that persons with a perceived negative identity (i.e., criminal backgrounds) will seek out positive social identities by becoming members of or attempting to belong to a valued group (Tajfel & Turner, 2004), a process that is generally accomplished by reproducing behaviors

and attitudes that mimic prototypical norms of the group to which they are seeking acceptance. Applied to ex-offenders, the theory suggests employees with criminal records might attempt to generate favorable appraisals of their potential as group members by performing at levels that match or exceed the performance levels of peers, in hopes to accomplish the following: (a) distance themselves from their previously devalued social identity (Branscombe et al., 1999), (b) and to facilitate group inclusion by appearing more like other group members on a shared attribute of comparison (performance; Dovidio et al., 2010; Ellemers et al., 2002). Indeed, Griffith and Young's (2017) qualitative investigation of managerial perceptions of ex-offenders provides anecdotal support for this assertion, as their research showed that managers believe ex-offenders will "work harder [than their peers] to keep their employment. They are engaged. They want to do well. They want to prove they can do it [the tasks well]" (p. 512). From this perspective, work performance could be an important mechanism by which ex-offenders attempt to either self-categorize into valued groups and/or attempt to manage a tainted social identity.

One challenge underlying the lack of research on this topic, however, is the fact performance data on ex-offenders are extremely difficult to obtain. Rarely do organizations collect data pertaining to criminal records history, and if these data are collected, they are usually handled entirely by a third party (Minor et al., 2018). Studies on this topic are so rare that searches of typical academic and management scientific databases (e.g., Science.gov, PsycINFO, JSTOR, Google Scholar, etc.) yield only two studies on the subject (Lundquist et al., 2018; Minor et al., 2018). Thus, it is clear that research needs to further examine the relationship between criminal records and job performance. Therefore, we posit that criminal records stigmatize aspects of an employee's character and thus cause him or her to positively alter their work behaviors in order to overcome what is believed to be an identity-defining limitation: having a criminal record.

METHOD

Sample and Procedure

The study sample includes telephone call center representatives from a *Fortune* 500 media company located in the United States. Due to a limitation in data gathering protocol within the organization, the employer was unable to provide any data regarding employee age. Furthermore, educational attainment levels were missing for some of the participants in the study sample and were thus removed. In addition, because there were few if any minorities (non-White workers) with criminal convictions represented in the data set, our sample frame focuses exclusively on performance assessments of White workers who are female, a population that has traditionally been overrepresented in

customer service representative roles in the United States (http://datausa.io). Finally, the employer provided all data on the condition of anonymity and under the guise that the analysis of such data might provide research insight to inform practitioner policies and decisions related to hiring individuals with criminal offenses.

Measures

Demographic information. The employer provided basic demographic information including race and sex. Additionally, provided data included criminal conviction status.

Performance index variable. Because the company-provided data assessed several distinct features of task performance, we developed an index variable by collapsing the following four performance indicators together: (a) quality assurance: a measure of the overall satisfaction with the service call experience; (b) transfer rate: a measure for the number of calls an agent has to transfer to someone else to complete; (c) call back rates: a measure for the number of times a customer called back; and (d) claims: a measure for whether a claim was filed by a customer. A principal component factor analysis was performed, which yielded single factor (see Table 1), thus leading to the calculation of a single performance variable based on mean item scores of each scale (higher numbers are representative of better performance). Cronbach's alpha shows that the resulting index variable falls just short of the threshold for internal reliability ($\alpha = 51$; Nunally, 1978). However, scholars suggest that when the number of indicators is very small, as is the case

here, reliability tends to be significantly underestimated (Lance et al., 2006; Tavakol & Dennick, 2011). At the same time, alpha may be less consequential for purposes of this study because we are not measuring a theoretical concept as an operationalized construct (Cortina, 1993; Green et al., 1977). We are, instead, combining various company-generated performance metrics into a single variable in order to improve the interpretability of the results.

Statistical analysis. To examine the extent to which criminal conviction status differences existed in the study variables of interest, we conducted a liner regression analysis using conviction status and tenure as the independent variables, and task performance as the dependent variable. We used SPSS 26 statistical software for all analyses.

RESULTS

Descriptive Statistics

The sample in this study includes 627 telephone call center representatives who were both White and female, and whose tenure with the organization averaged 19 months.

Correlational Statistics

This study found a negative relationship between tenure and criminal records ($r = -.08$, $p < .05$), and a positive relationship between tenure and performance ($r = .10$, $p < .05$). Meanwhile, no statistically significant relationship was shown between criminal records and performance. Table 2 summarizes the descriptive statistics and correlational results.

TABLE 1.

Results of Factor Analysis for the Performance Index Variable

Variable	M	SD	Factor loading	% of variance
Quality assurance	-.052	.968	.383	40.54
Call transfer rate	-.030	.985	.383	24.16
Callback rate	-.049	.950	.329	19.75
Claims rate	-.029	1.01	.463	15.53

Note. Extraction method: principal component analysis. Alpha reliability: .95.

TABLE 2.

Descriptive Statistics and Variable Correlation

Variable	M	SD	1	2	3
Conviction	.40	.49	--	--	
Tenure (months)	19.7	19.5	-.08*	--	
Performance	-0.23	.67	-.07	.10*	--

Note. $N = 627$. *$p < .05$. Correlations are found on the diagonal.
The conviction variable was coded 1 for conviction and 0 for no conviction.

TABLE 3.
Criminal Records and Tenure Regressed on Performance

Variable	B	SE	β	t	p
Constant	-.053	.045	--	-1.193	.233
Record	-.086	.054	-.063	-1.577	.115
Tenure	.003	.001	.096	2.406	.016*

Note. *p* < .05.

Regression Analyses

A linear regression model with two predictors (conviction and tenure) were regressed on performance, producing an $R^2 = .014$, $F(2,624) = 4.47$, $p < .012$. As evidenced in Table 3, criminal records did not contribute to the multiple regression model. However, time with the organization (tenure) had a significant positive regression weight, indicating that more years spent in a customer service role correspond to higher levels of performance after controlling for the other variable in the model. Based on these findings, we establish that criminal records are a poor predictor of job performance behavior, but other factors such as tenure may have a potentially positive impact on work outcomes.

DISCUSSION

To date, there has been a little research examining whether criminal history is a valid predictor of objective job performance—in this case, task performance. By focusing on task-specific behaviors at work, we aim to deepen our understanding of the relationship shared between criminal history and job performance. Based on the results of this study, we find the relationship between criminal records and performance is virtually nonexistent.

Although it is tempting to view criminal history as a proxy measure for reliability or conscientious, both of which have clear relationship with performance, our results seem to challenge the view that criminal records have any connection to job performance. What can be gleaned from our analysis is that employees may have actively regulated their behavior to meet or exceed job demands, at least at the outset of employment. However, that performance improves over time could indicate employees have gained mastery over key performance behaviors in effort to improve overall job opportunities. Because so much of organizational life of is governed by explicit performance standards and norms, it appears plausible that individuals with a stigmatized identity may readily emulate group performance norms as a means to secure acceptance and to differentiate themselves from a past negative identity, which in turn, increases the number of potential career opportunities. Indeed, there is a need for additional research in this area.

First, recognizing that the two primary goals of any personnel selection system are to: (1) hire qualified applicants for the job, and (2) to do so in a fair, non-biased way, it appears there is no immediate evidence that the inclusion of criminal record contributes meaningfully to either of those goals in this specific study. Second, organizations may want to adopt policies where criminal history information is considered only after assessments of an employee's qualifications or not considered at all. The background checks that many organizations currently employ can uncover a much broader array of misconduct, including arrests for relatively minor crimes that never result in formal charges. The severity, type, and timing of various offenses will also likely play a significant role in an employer's staffing decisions. Furthermore, there is no knowledge of how criminal records might function to create glass ceilings after an individual is hired. Thus, one critical step in addressing the needs of ex-offenders is to examine the existing assumptions about the role and value of criminal history information in the employment selection process. This study is one of the first to begin dismantling these biases.

Study Limitations

Although the sample used in this study was predominately White and predominately female, it can be argued that these results provide a clear and unambiguous assessment of the relationships posed in this study. Still in all, gender might implicate different social identity motives in the context of gendered perceptions of criminality.

In addition, because these data were collected with the aid of a third party, little is known about the severity of the criminal offenses or the conviction statuses of employees. Although we can assume that none of the offenses were job related, one key limitation is that we cannot determine if there were any differences between those with felony criminal records and those with misdemeanors. This might be an important or meaningful distinction given that those with felony records often face stiffer penalties in terms of sentencing and thus may have had more years away from work than those convicted of misdemeanors. Unfortunately. this study was unable to capture any of these specific nuances. Future research must take this variable into consideration.

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